



promotefosterimproveworkplaceopportunity

California Department of Industrial Relations
2000 - 2001 Biennial Report

promote**fo**ster**im**prov**ew**ork**plac**e**o**ppor**tu**nity

“One of the functions of the Department of Industrial Relations is to foster, promote, and develop the welfare of the wage earners of California, to improve their working conditions, and to advance their opportunities for profitable employment.”

2001 California Labor Code, section 50.5

On the Internet—<http://www.dir.ca.gov>

DIR workers’ portal—<http://workitout.ca.gov>

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director's preface



Stephen J. Smith

Director, Department of Industrial Relations

California's workers fuel the state's economy and are the most significant source of prosperity and stability in our communities. Efforts to improve their skills, training, workplace security and safety and health will only brighten California's future prospects. That's why in the past, today, and well into the future, the California Department of Industrial Relations relies upon the 1930's charge of the Legislature to guide our mission: to promote, protect and improve the health, safety and economic well being of wage earners in California, to improve their working conditions and to advance their opportunities for profitable employment.

The years covered by this biennial report were productive ones at the Department of Industrial Relations and culminated in a proposal by Governor Gray Davis at the end of 2001 to create a cabinet-level Labor and Workforce Development Agency that would incorporate the Department of Industrial Relations, the Employment Development Department, the Workforce Investment Act Board and the Agricultural Labor Relations Board.

Creation of an agency would not only promote employment issues in state government, but also would allow improved coordination and accountability of California's workforce development programs, enforcement initiatives and research efforts.

Workplace rights

Under the Davis administration, the department's Division of Labor Standards Enforcement—responsible for protecting the state's work force—has extended enforcement capacity in such industries as building services, agriculture, garment and construction. The Legislature continued to enact and the governor signed groundbreaking



legislation that further secured the rights of some of California's most vulnerable workers.

Protective legislation for farm workers increased verification of farm labor contractor licenses, and established a program of state and local enforcement units to prosecute violators of labor law. Other legislation allowed a portion of farm labor contractor licensing fees to be used for damages stemming from labor law violations. New legislation also instituted for the first time an employee labor relations process for backstretch workers employed by the state's racetracks and provided for adoption of housing standards by the California Horse Racing Board and annual inspections of that housing. Other legislation addressed the working conditions, hours and pay of sheepherders employed in California. In addition, the Legislature enacted the Displaced Janitor Opportunity Act and set requirements for the retention of employees by janitorial or building maintenance services and subcontractors by a successor contractor for 60 days when the previous employer had lost the contract.

Workplace safety and health

Cal/OSHA expanded its efforts to increase compliance and to prevent accidents and fatalities in high-hazard industries by launching in 2000 the Construction Safety and Health Inspection Project (CSHIP), counterpart to its successful Agricultural Safety and Health Inspection Project (ASHIP) mounted in 1999.

Both industries employ a significant percentage of immigrant workers not necessarily knowledgeable about California workplace rights. The construction industry, for example, which employs approximately 5 percent of the state workforce, nonetheless accounts for up to 20 percent

of its fatalities. Programmed inspections allow Cal/OSHA staff to remedy workplace safety and health hazards before they result in injury or death.

Cal/OSHA launched its rapid response team in Los Angeles during 2000 in cooperation with the district attorney's office to more accurately reconstruct the events leading up to serious workplace injuries and fatalities. Rapid response team members, charged with promptly investigating workplace death, serious injuries or employers who knowingly, negligently and repeatedly violate safety orders, prepare documentation for the district attorney in cases that may require prosecution under California labor law. Team members—who receive special training in investigative skills—must already have shown a breadth of knowledge that prepares them for a job that often requires a 24/7 commitment.

In 2000, California extended its commitment to workplace safety and health by creating a young worker safety and health resource network. DIR has contracted with the Labor and Occupational Health Program (LOHP) at the University of California, Berkeley to establish a resource center that will provide information and technical assistance to young workers, educators, employers and parents to support workplace safety. The center has developed a Web site at www.youngworkers.org that contains safety tips relevant to industries such as construction, retail, restaurant, hospitality and agriculture that employ large numbers of California youth, particularly during the summer months. In addition, the department works with the governor's office to issue an annual proclamation declaring May as Safe Jobs for Youth Month. The proclamation and month serve as a focal point immediately preceding the entrance of young Californians into summer jobs for

“As DIR approaches its 75th anniversary, we renew our commitment to California workers and employers to ensure their workplaces are lawful, safe and healthy. We renew our determination to improve work force training and increase opportunities for young Californians by alerting them to apprenticeship opportunities. Finally, we renew our efforts to improve the workers’ compensation system so it serves both injured employees and their employers.”

department efforts to promote young worker safety and health. Along with DIR, LOHP has coordinated participation in this effort among trade associations such as the California Chamber of Commerce and the California Restaurant Association, among other government programs affiliated with the Employment Development Department and the Department of Education and among the PTA and labor organizations such as the California Teachers Association and California Federation of Teachers.

Meanwhile, 10 new California sites were inducted into the California Voluntary Protection Program (Cal/VPP)—bringing the total number of inductees to 20—because of their rigorous commitment to workplace safety and health. Cal/VPP, a voluntary program initiated by Cal/OSHA and imitated by the federal government, is aimed at recognizing those employers who achieve a high level of excellence in establishing safe and healthy workplaces. Inductees during the last two years included the first construction company, the Concord-based Swinerton Builders, in a pilot project Voluntary Protection Program. Swinerton and the unions representing its workers, the operating engineers, carpenters and laborers, was the first construction company inducted under requirements and qualifications that recognized the mobile nature of construction projects.

Apprenticeship

In the Division of Apprenticeship Standards, apprenticeship standards were strengthened and apprenticeship promotion more targeted to underserved populations, a task facilitated by the issuing of a gubernatorial proclamation each year declaring October as Apprenticeship Month. The division, for example, is working with child care providers and educators to increase its standards and implement a

child care apprenticeship. In 2001, the division collaborated with employers, labor organizations and other government programs to host an apprenticeship fair at the site of the Rosie the Riveter World War II Home Front National Historical Park in Richmond that drew at least 20 representatives from apprenticeship programs and almost 600 high school students from the Contra Costa Unified School District.

Since 1999, enrollees in California apprenticeship programs have jumped from 60,403 to 66,152, a clear indication that department efforts to promote apprenticeship through new collaborations with the Employment Development Department’s one-stop centers, the Workforce Investment Board, publication of the California Apprenticeship Council’s apprenticeship guide for educators and through consistent mailings to high schools throughout the state are bearing positive results.

Workers’ compensation

Over the last two years, the Division of Workers’ Compensation has worked with constituency groups to reform the workers’ compensation system based on constituency needs, studies that recommended greater efficiency in the system and in response to the consolidation of the workers’ compensation insurance industry that resulted from its deregulation in 1993.

By early 2002, the Legislature enacted and the governor signed a workers’ compensation reform bill, **Assembly Bill 749**, authored by Assemblymember Thomas Calderon and Senate Pro Tem John Burton. The legislation increases benefits for injured workers. By 2006, the maximum benefit level for temporarily disabled workers will be indexed, preventing the erosion so common during the 1990s. The legislation contains reforms that control prescription drug



costs and support medical cost containment through medical case management programs that maintain quality care for injured workers. AB 749 also incorporates the best thinking of studies that show that an injured worker recovers best financially and physically when he or she returns to work as soon as medically possible. The legislation offers economic incentives such as wage subsidies for early return to work, premium rebates for sustained return to work and reimbursement for workplace accommodations.

Finally, the legislation creates a special state unit within the department to educate employers and health care professionals about the best ways to help injured employees return to work as soon as possible.

Promoting opportunities

As DIR approaches its 75th anniversary, we renew our commitment to California workers and employers to ensure their workplaces are lawful, safe and healthy. We renew our determination to improve workforce training and increase opportunities for young Californians by alerting them to apprenticeship opportunities. Finally, we renew our efforts to improve the workers' compensation system so it serves both injured employees and their employers.

DIR, formed in 1927 when the precursors of the divisions of Labor Standards Enforcement, Workers' Compensation and Occupational Safety and Health joined with the Industrial Welfare Commission and the Industrial Accident Board, has overseen consistent improvements in the working conditions and employ-

ment opportunities of Californians over the years. Now, every worker employed in California—whether documented or not—is protected by a minimum wage of \$6.75 per hour and with some few exceptions, daily overtime. Apprentices can expect quality training and protection for their hours and working conditions. Cal/OSHA has emerged as the premiere state health and safety program in the nation, with its recognition of outstanding employers through Cal/VPP, its free-for-the-asking consultation service and hefty fines that successfully serve as deterrents to those few employers who ignore the state's workplace safety and health laws. Legislation has improved the benefits of the workers' compensation system, while mitigating employer costs.

Our achievements are many and due in large part to the efforts of DIR staff, committed and skilled workers employed throughout the state in making a difference in the lives of Californians.

Opportunity is the promise that nourishes individual and community prosperity in California. Along with every Californian with dreams, ambition and hope, we at DIR pledge to continue fostering opportunity in California workplaces.



laborlaw

Division of Labor Standards Enforcement DLSE

Industrial Welfare Commission IWC

Division of Labor Standards Enforcement DLSE

California labor commissioner's office

The Division of Labor Standards Enforcement, headed by the state labor commissioner, investigates and works toward resolving wage claim disputes and discrimination complaints, and enforces California's labor laws, prevailing wage laws and Industrial Welfare Commission (IWC) orders. The IWC orders regulate minimum and overtime wages, meals and lodging credits, meal and rest periods, uniforms and equipment, change rooms, work area seats, temperature and other working conditions for 16 different industry and occupation groups in California.

DLSE also: registers garment manufacturers and contractors; licenses farm labor contractors, industrial homeworkers and talent agents; issues special licenses to non-profit organizations employing disabled workers; certifies studio teachers, issues entertainment work permits for minors and permits to employ to their employers. To serve California's culturally diverse population, bilingual staff members work in nearly every DLSE office statewide.

The division's goals are twofold—to vigorously enforce labor standards with special emphasis on payment of minimum and overtime wages in low-paying industries; and to work with employer groups, expanding their knowledge of labor law requirements—with the aim of creating an environment in which law-abiding employers no longer suffer unfair competition from employers who follow unlawful practices.

To realize its goals, DLSE partners with federal and local agencies to heighten enforcement by targeting businesses that operate in the underground economy, have a history of violating labor laws, and pay less than the minimum wage.

The deputy chief labor commissioner oversees day-to-day DLSE operations. Three assistant chiefs are in charge of the division's Bureau of Field Enforcement, wage claim adjudication activities, licensing and registration unit, a statewide collections unit designed to improve the rate of collections on penalties, and a public information unit providing information on California labor law and the IWC orders.

Legislating for stronger labor laws

A number of new laws positively affect the wages, working conditions and rights of California workers. **Assembly Bill 1338** (Reyes) substantially changed the licensing requirements of farm labor contractors.

Assembly Bill 2357 (Honda) added section 230.1 to the Labor Code. This law prohibits an employer with 25 or more employees from discharging or discriminating against an employee who is the victim of domestic violence and takes time off to participate in the following activities:

- Seeking medical attention for injuries resulting from domestic violence
- Seeking legal assistance, participating in a legal proceeding
- Seeking assistance or services from a domestic violence shelter program or rape crisis center
- Obtaining psychological counseling

New licensing requirements for farm labor contractors—AB 1338:

- Requires an applicant for licensing to submit a surety bond based upon annual payroll
- Increases the annual license fee from \$350 to \$500
- Requires a minimum passing score of 85 percent on the written examination
- Limits to three the number of times an applicant may take the examination in one year; restricts to four hours the amount of time an applicant may spend completing an examination at any session
- Requires an applicant to complete annually a minimum of eight hours of relevant educational classes selected from an approved list, which is prepared by the labor commissioner in consultation with county agricultural commissioners and other state agencies
- Requires a farm labor contractor to provide a grower with the payroll records of the farm workers working under that grower's contract. The grower is required to maintain the records for the duration of the contract.
- Requires the labor commissioner to issue a laminated farm labor contractor license containing a picture of the licensee, hologram and signature—to verify its authenticity
- Requires the labor commissioner to submit quarterly a list of all licensees to the California Highway Patrol
- Requires the labor commissioner to deposit \$50 of every license fee into the Farmworker Remedial Account. The labor commissioner may disburse funds from this account to a farm labor contractor for paying farm workers when a grower or packer fails to pay the wages owed under the contract.

- Participating in activities to ensure a victim's safety and well-being, which may include temporary or permanent relocation.

Senate Bill 1305 (Figueroa) amended Labor Code section 2802 to authorize the labor commissioner and the courts to award interest to an employee who prevails in a claim or civil suit for reimbursement of work-related expenses. An aggrieved employee may also recover reasonable "necessary expenditures or losses," including but not limited to attorney's fees that the employee incurs to enforce Labor Code section 2802.

Enforcing public works law, prevailing wages

DLSE is charged with enforcement of the prevailing wage provisions of public works statutes. With some exceptions, the division investigates construction contracts that are paid for in whole or in part by public funds. The statutes require payment of prevailing wages and regulate the hiring, payment and training of apprentices on these jobs.

	2000	2001
Public works cases opened:	1,835	1,989
Wages collected:	\$3,458,159	\$8,625,208
Penalties collected:	\$393,482	\$1,302,183

Legislation that became effective in calendar years 2000 and 2001 for public works enforcement governs:

- Inclusion of refuse hauling from public works project sites in the definition of public works
- Guarantees that the identity of employees who report prevailing wage violations will be kept confidential
- The term "responsible bidder," defined in the Labor Code as "...a bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract"
- An increased payment bond, which is filed by a contractor awarded a public works contract
- Expanding the definition of "construction" on a public works project to include work performed during the design and pre-construction phases.

DLSE's public works enforcement unit of deputy labor commissioners, payroll auditors and clerical support uses a centralized case tracking system and automated payroll audit program to reduce the public works case backlog. In 2000-2001 the increased amount of wages and penalties collected was a direct result of increased enforcement.

Investigating labor complaints

To make sure employees are not required or permitted to work under unlawful conditions, the DLSE Bureau of Field

Enforcement investigates complaints and takes enforcement action. Enforcement activity includes workplace inspections, payroll records audits, collecting unpaid minimum and overtime wages, issuing civil and criminal citations, confiscating illegally manufactured garments, and obtaining injunctive relief to preclude further violations of the law.

The division participates in two major joint enforcement programs, the Targeted Industries Partnership Program (TIPP) and the Joint Enforcement Strike Force (JESF). Both programs maximize the enforcement efforts in industries with a history of labor law violations and employing lower paid workers. TIPP and JESF focus on industries that operate in the underground economy, such as garment, agriculture, janitorial, construction and restaurant.

	2000	2001
Inspections conducted:	5,892	6,841
Penalties collected:	\$3,654,331	\$3,289,592
Wages collected:	\$5,955,339	\$11,668,175

Investigating wage claims for workers

DLSE investigates wage claims on behalf of workers who file complaints for nonpayment of wages, unreimbursed business expenses, overtime and vacation pay. Division deputies hold informal conferences between employers and employees to settle wage disputes. If a matter cannot be resolved at the informal conference, an administrative hearing is held.

By statute, these wage claims must be processed within a 120-day time limit—from the date a claim is filed to the date a hearing is held. DLSE has authority to enter judgments in superior court against employers who fail to comply with the labor commissioner's final order.

Division staff also provide information to the public on wages, hours, working conditions and other labor laws.

	2000	2001
Wage claim cases opened:	44,014	49,067
Administrative hearings held:	10,419	10,222
Hearing wages collected:	\$9,141,540	\$10,067,899

Licensing and registering employers

DLSE's licensing and registration unit registers garment manufacturers and contractors in California, and licenses farm labor contractors, talent agents, supervisors of minors in door-to-door sales, and industrial homework firms throughout the state. The unit also issues sheltered workshop and subminimum wage permits, and certifies studio teachers.

The division has a memorandum of understanding with the federal Internal Revenue Service (IRS) which allows the IRS to check applicants for a garment manufac-

turer's registration and farm labor contractor license for outstanding employment tax liabilities before DLSE issues a license or registration. DLSE also requires applicants for a farm labor contractor license to be fingerprinted and cleared through the state Department of Justice.

To carry out **Assembly Bill 2707** (Florez), the division expanded its Fresno facilities to provide sufficient staff for the examination and licensing of farm labor contractors, as well as for processing complaints against farm labor contractors and their agents.

	2000	2001
Garment registrations issued:	6,342	5,983
Farm labor contractor licenses issued:	1,455	1,117
Talent agent licenses issued:	584	610
Studio teacher certificates issued:	102	92
Special minimum wage permits issued:	782	872

Enforcing anti-discrimination statutes

Numerous employee activities are covered by the anti-discrimination statutes enforced by the labor commissioner. The statutes cover employees who report unsafe or unhealthy working conditions as well as those who disclose information to government or law enforcement agencies concerning a violation or noncompliance with state or federal regulations.

Also protected against discrimination and retaliation are employees who serve on a jury or appear as a witness in a trial; parents, guardians and custodial grandparents who take time off from work to participate in activities of a child attending school or a licensed day care facility; and employees who seek literacy education assistance.

Assembly Bill 2535 (Oller) added section 230.4 to the Labor Code, which prohibits an employer of 50 or more employees from discharging or otherwise discriminating against an employee who is a volunteer firefighter and takes a temporary leave of absence from work to attend fire or law enforcement training.

Senate Bill 1353 (Rainey) amended Labor Code section 230.3 to extend protections to employees who take time off from work to serve as reserve peace officers or emergency rescue personnel.

	2000	2001
Discrimination complaints filed:	834	1,003
Discrimination complaints closed:	652	799

Representing workers in court

Division attorneys present civil cases at both the trial and appellate levels. The majority of the cases involve unpaid wage issues arising from an appeal of an order, decision or

Informing the public

DLSE's three public information hubs serving the state are located in:

Sacramento: 916-323-4920

San Francisco: 415-557-7878

Los Angeles: 213-620-6330

The system offers pre-recorded information on labor statutes and Industrial Welfare Commission wage orders in three languages: English, Spanish and Chinese. The recorded messages are accessible 24 hours a day, seven days a week, and the system includes a voice mail box in which callers can leave their name and address for a claim form or information to be mailed to them.

award of the labor commissioner.

DLSE's legal unit also pursues cases involving violations of the prevailing wage laws, and through court proceedings enforces the discrimination complaint decisions of the labor commissioner. Other services include writing opinion letters to interpret California labor law for the general public, and providing day-to-day legal counsel to division deputies.

	2000	2001
Legal cases opened:	2,304	2,130
Legal cases closed:	3,561	1,597
Wages and penalties collected:	\$7,135,438	\$12,455,548

On the Internet from DLSE:

<http://www.dir.ca.gov/DLSE/dlse.html>

- Child Labor Law Manual 2000
- how to file a wage claim
- how to file a claim with the Bureau of Field Enforcement
- how to file a discrimination complaint
- information on recent legislation
- Public Records Act policy
- reports: Targeted Industries Partnership Program (TIPP), Bureau of Field Enforcement (BOFE), discrimination complaints
- databases: garment manufacturers, farm labor contractors, talent agents, studio teachers
- Title 8 regulations
- links to Industrial Welfare Commission for viewing and downloading its wage orders, and to Department of Industrial Relations resources
- office locations statewide

E-mail questions to DLSE: DLSEInfo@dir.ca.gov

Industrial Welfare Commission IWC

Minimum wages, maximum hours, standards for working conditions

The Industrial Welfare Commission is a five-member commission appointed by the governor with Senate consent and supported by staff within the Department of Industrial Relations. Under Article XIV of the California Constitution and by statute, the IWC has the responsibility to regulate hours, wages and working conditions, and to investigate the health, safety and welfare of all employees within California.

The Eight-Hour-Day Restoration and Workplace Flexibility Act, **Assembly Bill 60** (Knox) effective Jan. 1, 2000, reinstated the eight-hour workday and introduced more protections for California workers (see Division of Labor Standards Enforcement report).

Senate Bill 88 (Sher), effective Jan. 1, 2001, exempts from the payment of overtime specific classifications of certified nurses and professional employees in the computer software field.

Assembly Bill 2509 (Steinberg), effective Jan. 1, 2001, provides that employers pay a penalty for requiring an employee to work during a meal or rest period.

Issuing 17 wage orders, increasing minimum wage

The legislation, which mandated amendments to all wage orders, required the IWC to hold numerous public hearings/meetings and wage boards throughout most of 2000-2001. The IWC also gathered public comment prior to implementing the new Order 16, On-Site Occupations in the Construction, Drilling, Logging and Mining Industries, and Order 17, Miscellaneous Employees.

In satisfying or adhering to legislation, the IWC increased California's minimum wage and proportionately increased the meal and lodging credits.

Support staff for the Industrial Welfare Commission annually respond to almost 1,500 phone calls and 600 e-mails from employers and employees seeking clarification on IWC wage orders. In addition, the IWC staff play a supporting role in addressing departmental issues on wages, hours and working conditions for California workers.



On the Internet from IWC: <http://www.dir.ca.gov/iwc>

- current minimum wage
- full text of all industry and occupation wage orders
- Statement as to the Basis for Orders 1-15
- Statement as to the Basis and Wage Order Summary for Order 16
- public hearing and meeting notices
- public hearing and meeting transcripts and minutes
- wage board procedures and nomination form
- Eight-Hour-Day Restoration and Workplace Flexibility Act of 1999 (AB 60)
- excerpts from the Labor Code
- history of California's minimum wage
- constitutional and statutory authority
- commission and member information
- links to other Department of Industrial Relations resources

E-mail questions to IWC: iwc@dir.ca.gov



workplacesafetyandhealth

Division of Occupational Safety & Health DOSH

Occupational Safety & Health Standards Board

Occupational Safety & Health Appeals Board

Division of Occupational Safety & Health **DOSH**

Safe and healthful working conditions

The Division of Occupational Safety and Health works to improve safety and health in the workplace through standards enforcement, consultation assistance and training programs. In addition to its scheduled inspections of high-risk workplaces, DOSH investigates work site fatalities, serious injuries or illnesses and complaints about hazards on the job.

DOSH aims to have the safest workplaces in the world here in California, and seeks to achieve this goal by creating a safe and healthful work environment and an informed work force.

Effective enforcement of standards with emphasis on rapid abatement of hazards is foremost in accomplishing the division's objectives. DOSH enforcement is supported by voluntary protection programs, employer and employee training and consultation services.

Longstanding workplace protection

Since 1973 California has operated its own federally monitored safety and health program, known as Cal/OSHA. Formed before passage of the national Occupational Safety and Health Act of 1970 (OSH), the DOSH safety inspections unit dates to 1945.

Cal/OSHA now receives nearly \$21 million in federal funding from the U.S. Department of Labor through its annual section 23(g) enforcement grant. An additional contract with federal OSHA, approved under section 21(d) of the act, provides funding of over \$4 million for consultations to private industry.

According to the national OSH Act, a state plan with job safety and health standards that employers are required to meet must be "at least as effective" as the federal OSHA standards. Benefits of the state plan include coverage for public sector employees, and developing standards or innovative programs addressing hazards unique to California workplaces.

Major department units in the program are the:

- Cal/OSHA Enforcement Unit—enforces workplace safety and health regulations
- Cal/OSHA Consultation Service—offers free training and consultation to help employers and their employees comply with workplace safety and health regulations
- Occupational Safety and Health Standards Board—adopts, amends and repeals the standards and regulations

- Occupational Safety and Health Appeals Board—hears appeals regarding Cal/OSHA enforcement actions.

In addition, the Hazard Evaluation System and Information Service (HESIS) is administered by the departments of Industrial Relations and Health Services as an information resource and worker hazard warning system.

DOSH has other responsibilities mandated by state law. The division has permit and certification programs as well as responsibility for inspecting elevators, amusement rides, pressure vessels, and underground and surface mines. DOSH units cover high hazard enforcement, and health and engineering services. Within the health and engineer-



ing services unit are the research and standards health unit, medical unit, elevator unit and pressure vessel unit.

Inspecting pressure vessels

Division safety engineers conduct field and shop inspections of pressure vessels. Their other activities include consultations and education, plan and code reviews, accident investigations, issuing permits and developing boiler and fired/unfired pressure vessel safety orders. Fees charged for inspection work go into an account that helps fund the pressure vessel program.

Two pressure vessel standards, on compressed and liquefied natural gas and liquid petroleum gas, are up for standards board adoption. Advisory committee meetings were held for the boiler and fired pressure vessel safety orders.

All pressure vessel code sections are accessible on the DOSH Web site, and the following videotapes are available:

- *Burner & Boiler Controls*—facts about rebuilt controls
- *Case for Safety II*
- *Portrait of a Disaster*
- *Pressure Relief Valve Standards*—strong link to plant safety
- *Protection Through Inspection*
- *Sentries of Safety*

Pressure Vessel Unit 2000-2001

Boilers inspected:	1,441
Boiler requirements cited:	186
LPG tanks inspected:	7,505
Air tanks inspected:	24,543
Air tank requirements cited:	2,004
Propane installation requirements cited:	2,279
Shop inspections to check adherence to ASME manufacturing standards:	Time 10,001 hours

Inspecting elevators, amusement rides, aerial passenger tramways

Division safety engineers specializing in the work of DOSH's elevator unit conduct inspections of elevators, aerial tramway equipment such as ski lifts, amusement rides and construction personnel hoists.

DOSH also performs related consultation and education services, safety code and equipment approval plan reviews, accident and complaint investigations.

Elevator, Ride and Tramway Unit 2000-2001

Elevators:	
New inspections:	7,160
Re-inspections:	97,175
Amusement ride inspections:	2,009
Tramway inspections:	1,247

New requirements for recording occupational injuries and illnesses

In January 2002, revised regulations for recording occupational injuries and illnesses took effect in California. Though these revisions are largely identical to those announced by the U.S. secretary of labor on Jan. 19, 2001, they retain several elements that assure ease of access to records when requested by employees and government representatives.

The revised regulations affect more than 100,000 California employers, some of whom had not been required to keep records under the previous requirements. To answer questions generated by the revisions, DOSH developed a special Internet site for helping employers understand the new requirements.

The Web site includes an interactive self-test mechanism that employers can use to train whoever is responsible for recording their workplace injuries and illnesses.

Inspecting mines, tunnels

Underground mines are inspected four times per year, surface mines once annually. Conducting pre-job conferences, answering complaints and requests, investigating accidents, licensing blasters, certifying safety representatives and gas testers, classifying underground operations, completing environmental surveys and developing proposed safety orders are also done by DOSH's mining and tunneling unit staff.

Their work includes the ongoing accident prevention training for the mine safety engineers. Unit staff provide the state's mineral industry with safety and health training, assisted through a Federal Mine Safety and Health Administration grant.

A mining accident fatality was referred to the circuit prosecutor for filing with the local district attorney. The accident occurred when an employee riding a rail car died from striking his head against an unmarked obstruction.

Increased focus on tunnel construction is due to the increasing number of tunnel projects. Plans include foreign language training materials for miners. While mine inspections are entirely state funded, tunnel inspections are part of the Cal/OSHA program.

Mining and Tunneling Unit 2000-2001

Mine and tunnel inspections:	1,220
Employees affected:	21,845
Pre-job safety conferences:	800
Blasters licensed:	568
Gas testers certified:	136
Safety representatives certified:	122
Mine and tunnel evaluation/classifications:	1,182

World Trade Center disaster

In October 2001 DOSH sent eight industrial hygienists and safety engineers to New York for a week to work at the World Trade Center disaster cleanup site in support of federal OSHA. Following the Sept. 11, 2001 tragedy, federal OSHA staff and others worked around the clock, seven days a week to protect workers engaged in recovery, demolition and site clearing operations.

More than 2,200 air and bulk samples—for asbestos, silica, lead and other metals, carbon monoxide, noise and numerous organic and inorganic compounds—were taken for risk assessment and monitoring. DOSH staff distributed about 110,000 respirators and trained workers on proper respirator use.

DOSH received letters of commendation from the U.S. secretary of labor and the assistant secretary for OSHA for the division's staff assistance.

Certifying loss control services of workers' compensation carriers

Workers' compensation carriers must provide loss control services without charge to employers, and submit to DOSH an annual loss control plan that identifies policyholders with the greatest losses and most preventable safety and health hazards. DOSH's loss control certification unit staff meet with representatives of insurers, employers and organized labor to promote understanding of this process.

DOSH found that insurer selection methods for targeting their insureds often failed to identify those with the most significant workers' compensation losses or preventable safety and health problems. Numerous insurers used either selection criteria too broad to be effective, or data too old to show the current loss experience of their insureds.

Conducting their third round of evaluation as their caseload increases, the unit worked with insurers to develop more effective methods for targeting insureds. Methods using policy premium or experience modification rating as a single criterion are the most unreliable, a finding consistently noted from 1994 to 2000. The unit drafted new regulations governing selection methodologies.

According to a study by the unit, loss control consultants working either for the insurer or under contract from outside sources need training on the provisions of insurers' certified plans and the purpose of loss control regulations. Insurers also do not always monitor provision of planned services. When loss control services are provided as mandated, a significant percentage of employers achieve lower accident frequency in the workplace.

As of December 2001, 105 insurer group plans were recertified. Ten became uncertified because they either failed to achieve certification prior to the plan's expiration, or their application for recertification was denied, or their certification was rescinded for failure to perform. These insurers were eventually able to become recertified.

Loss control staff conducted 94 evaluations of insurers' annual loss control plans.

Assembly Bill 749 (Calderon) will eliminate the requirement that loss control services be certified by the DIR director and fees imposed on insurers for that certification. These changes will become effective Jan. 1, 2003. The bill establishes a loss control services coordinator in DIR to provide information to employers about the availability of these services.

Implementing AB 1127

All of the provisions of **Assembly Bill 1127** went into effect Jan. 1, 2000. Because some provisions required regulatory changes so they could be enforced, DOSH submitted a rulemaking package to the Office of Administrative Law with an emergency request. AB 1127 increases civil and criminal Cal/OSHA penalties and eliminates the requirement that Cal/OSHA prove employer knowledge of the presence of a serious violation in order to cite that violation as serious.

Civil penalties for public agencies

Though AB 1127 eliminates the exemption of public agencies from civil penalties, it provides for reimbursement for public schools, colleges and universities under specified circumstances. Imposing monetary penalties on government agencies is intended to heighten their awareness of occupational safety and health issues.

Misdemeanor and felony criminal penalties

AB 1127 increases the criminal penalties that a court may impose for specific Title 8 violations that are charged as a misdemeanor by a district attorney. The legislation also provides increased fines and prison terms for willful violations causing an employee's death or permanent or prolonged bodily impairment, if charged by a district attorney.

Prior to AB 1127, prosecutors often filed involuntary manslaughter charges in serious worker safety cases. If a corporation either pled guilty or was convicted of the charge, it could be fined a maximum of \$10,000. AB 1127 stiffens criminal penalties: under new felony provisions, an individual can be fined up to \$250,000 and corporations up to \$1.5 million. Heavier penalties for those criminally responsible for workplace death or injury and the criminal investigations are powerful deterrents.

Multi-employer citations

The multi-employer citation policy followed by DOSH has its origin in a fundamental concept of OSHA law which holds that enforcing agencies do not have jurisdiction to cite for OSHA violations unless an employee is exposed to a hazard created by the violation.

Traditionally DOSH has cited only the exposing employer, the employer of the worker exposed to a violative condition. Under the new multi-employer citation pro-



visions codified first by departmental regulation and shortly thereafter by AB 1127, DOSH can now additionally cite the employer who causes or creates the violation to which a worker is exposed, even if this creating employer is not the employer of the exposed worker. Similarly, DOSH can cite an employer who is responsible for controlling or correcting a hazard to which any employee is exposed.

The potential for the multi-employer citation occurs most commonly at construction job sites where several employers typically work together on a project that has the potential to involve hazards for all employees present. However, the multi-employer citation rules apply to all multi-employer situations regardless of industry.

Study of penalty increases

DOSH conducted a study on AB 1127 based on data for calendar year 2000. AB 1127 had increased the maximum civil penalty for a serious violation from \$7,000 to \$25,000, and though the number of serious violations cited during 2000 declined slightly, the average proposed penalty for a serious violation increased 140 percent: from \$1,569 in 1999 to \$3,780 in 2000.

AB 1127 eliminates the penalty adjustment for good faith or history of the employer for repeated violations. The average proposed civil penalty for a repeat violation increased 209 percent: from \$2,079 in 1999 to \$6,425 in 2000.

AB 1127 increases the penalty for a failure-to-abate violation from \$7,000 to \$15,000 per day and sets penalties for false statement of abatement. The average proposed civil penalty per failure-to-abate violation increased from \$29,265 in 1999 to \$36,081 in 2000.

Operating ASHIP and CSHIP

The DOSH Agricultural Safety and Health Inspection Project (ASHIP) is an emphasis program inaugurated in 1999 in response to the fact that agricultural production is one of the most hazardous industrial activities in California, yet DOSH receives few complaints from agricultural workers.

During the summer and fall seasons, agricultural production is at its peak and a large number of employees are exposed to serious hazards, including: machinery-related accidents such as lack of rollover protection for drivers of tractors used on uneven terrain, field sanitation hazards such as lack of toilet and drinking water facilities, heat stress, back injuries from using short-handled agricultural tools, and skin conditions such as lacerations from exposure to pruning knives and dermatitis from exposure to soil contaminants.

Agricultural inspections in 2000 focused on fields where manual labor was performed. In 2001 DOSH also targeted harvesting activities involving mechanized equipment used in sugar beet, cotton and feed corn harvesting, as well as mechanized processing of crops such as bean shelling. A rise in fatalities and serious injuries in dairies over the past few years led DOSH to direct ASHIP resources toward that industry.

ASHIP Activity 2000-2001

Total inspections:	1,980
Total violations:	2,441
Serious/willful/repeat violations:	486
Total penalties:	\$2,941,729

Beginning in 2000, DOSH organized the Construction Safety and Health Inspection Project (CSHIP), an emphasis program increasing both enforcement inspections and the Cal/OSHA Consultation Service education, outreach and on-site assistance, in the goal to reduce the number of construction fatalities and serious injuries and illnesses.

The work-related mortality rate in the construction industry is the second highest among all California industries. Though it accounts for just five percent of the California work force, nearly one in five occupational fatalities occurs in the construction industry.

In response to the higher occurrence of fatalities and serious injuries in the residential sector of the construction industry, DOSH conducted residential construction sweep inspections with emphasis on serious violations.

San Francisco-Oakland Bay Bridge lead-in-construction hazards

In March 2001 DOSH opened a programmed inspection for lead in construction on the western span of the San Francisco-Oakland Bay Bridge. During nine months of work on the span, more than a dozen workers were medically removed from the job due to elevated levels of lead in their blood.

This inspection was part of a multi-employer CSHIP objective to conduct inspections where employees on the bridge were doing work that disturbed lead. DOSH conducted worker lead breathing zone exposure monitoring, collected wipe and bulk samples to assess levels of contamination on the bridge, observed work practices and working conditions, and evaluated documents.

The division suspected poor hygienic work practices and facilities on the bridge. Those assumptions were verified, and it was also apparent from the airborne sampling that workers performing open abrasive blasting inside

tight containments were exposed to extremely high concentrations of lead in air.

Some of the division's air samples revealed that exposures could exceed twice the immediately dangerous to life and health (IDLH) level of 100,000 micrograms per cubic meter of air. DOSH also learned that it was common for sandblasters to lose their air supply under these conditions and be forced to reconnect the supply or walk out of the containment with no respiratory protection whatsoever.

The sandblasters were removing thick layers of lead-based paint with a lead concentration of 40-60 percent. All removal was done by open sandblasting inside tight containments where

health and safety conditions were extremely hazardous. DOSH measured personal breathing zone concentrations of over 200,000 micrograms of lead per cubic meter of air—the permissible exposure limit for lead is 50.

The general dust levels were so high that visibility was limited to a few feet in most places and non-existent near the blasters. Noise was well above the acceptable levels and audio communication impossible. Although the open sandblasting method of removal is common in the steel structures painting industry, the division found it unacceptable in this particular application.

DOSH issued citations requiring the contractor to immediately provide the IDLH precautions required by Cal/OSHA regulations, and to use engineering controls to reduce the exposure concentrations in the containments, so that exposures would ultimately not exceed the IDLH level. The contractor agreed to remove most of the lead paint by needlegunning in addition to applying engineering and administrative controls for much lower exposures and less hazardous working conditions.



In 2001, 49 percent of the residential construction sites visited were cited for serious violations. This emphasis on residential construction brought about awareness of the need for a fall protection standard specific to the residential construction industry.

CSHIP Activity	2000	2001
Inspections:	2,803	3,067
Programmed inspections:	286	365
Violations:	4,666	5,408
Percentage serious violations:	29.3%	49.4%

Inspecting workplaces: Cal/OSHA enforcement

DOSH is authorized to conduct workplace inspections to enforce occupational safety and health standards. Every workplace covered by Cal/OSHA may be subject to these inspections made by DOSH safety engineers and industrial hygienists from district offices throughout California.

Mining and tunneling enforcement is handled by a separate unit, and a high hazard unit makes targeted inspections in high-hazard industries such as construction and agriculture.

Complaint, referral and accident inspections, as well as scheduled compliance inspections, are conducted by the district offices.

Cal/OSHA Compliance Inspections 2000-2001	
Total workplace inspections:	18,636
Workplace safety inspections:	13,561
Workplace health inspections:	5,075
Total violations cited:	42,357
Serious violations:	8,838
Violations other than serious:	33,477
Proposed penalties:	\$65,268,216
Workers covered:	4,209,415

Dealing with lead-in-construction hazards

The 2000-2001 cumulative total of DOSH lead-in-construction inspections was 90, of which 58 revealed at least one violation. These inspections resulted in 15 serious and 144 other-than-serious violations of the lead-in-construction standard.

During the summer 2000 painting season in northern California, the division conducted sweep operations in Oakland, Alameda, Santa Cruz and San Francisco: cities with older housing stock where lead-based paint was commonly applied.

Consistent with sweeps of the two previous years, most of the violations concerned employer failure to perform the initial assessment of personal air monitoring and the medical surveillance of blood lead monitoring.

This special emphasis program is assisted by an adviso-

ry committee, which recommended—and obtained from the standards board—a change in the lead-in-construction standard now requiring employers to notify the division of substantial lead removal operations before they begin.

Targeted Inspection and Consultation Fund

The Targeted Inspection and Consultation Fund (TICF) is mandated by California Labor Code section 62.9. Through a contract between Cal/OSHA and the Workers' Compensation Insurance Rating Bureau (WCIRB), the DOSH TICF assessment unit gathers annual data on employers with experience modification ratings. The unit consults with and provides this data to the DOSH high hazard unit.

DOSH annually assesses approximately 11,500 employers—in amounts varying from \$100 to \$2,500 according to their payroll range—triggered by an experience modification rate of 125 percent or greater on the employer's workers' compensation policy for the policy year previous to the year of TICF assessment.

Due to the work of the TICF unit to inform employers, many employers are aware of how an experience modification rate is generated, are better educated about workers' compensation and the WCIRB rating system, and now take their ratings very seriously.

Since its inception in 1995, the TICF assessment unit has generated \$41,713,764 in revenues that support the targeted inspection and consultation program.

Targeted Inspection and Consultation Fund 2000-2001

Assessments in 2000:	\$8,796,538
Assessments in 2001:	\$7,431,243

High hazard inspecting

Responding to legislative mandate, DOSH established a targeted inspection and consultation program. Its high hazard unit inspects businesses in high-hazard industries that have the highest incidence of preventable occupational injuries and illnesses and workers' compensation losses. For the industries selected, comprehensive written protocols are developed to guide the inspectors in identifying violations that are most prevalent in the particular industry.

In 2000-2001 the high hazard unit conducted inspections of wood furniture manufacturers, bakeries, candy manufacturers and nursing homes. The unit handled enforcement in the Alameda Corridor and continued to conduct inspections of marine cargo handling in water transportation service companies that showed high injury rates.

Lack of a portable fire extinguisher and lack of an injury and illness prevention program were the most frequently cited violations. Unguarded electrical enclosures

Young worker health and safety resource network

Assembly Bill 1599 (Torlakson) creates a statewide young worker health and safety resource network to increase awareness among high school students and young workers of workplace hazards and preventing their becoming injured or ill on the job.

Through a contract between DIR and the University of California, DOSH aims for a young workers health and safety Web site linked to the DIR Web site—where safety and health curricula can be placed for students, teachers, school districts, young workers and their employers.

were the most frequently cited serious violations.

Complaint and accident investigations are referred to the high hazard unit if it verifies with the district office receiving the complaint or accident report that it can respond within required statutory timeframes. The high hazard unit received complaint and accident referrals from DOSH enforcement concerning high-hazard industries as well as complaints from roofers and ironworkers. The Cal/OSHA Consultation Service also referred approximately 100 employers with experience modification rates in excess of 200 percent. These employers had refused an offer of a free consultation visit and were referred to the high hazard unit for a comprehensive workplace inspection.

Based on its assessment of the program, DOSH believes that its targeted consultative and enforcement interventions have a positive effect on the employer's injury and illness rates and workers' compensation loss indicators. Efficacy measures from a sample of high-hazard employers show that the high hazard enforcement program has a continuing role to play in the division's goal to eliminate workplace hazards, reduce injuries and illnesses and workers' compensation losses in California workplaces.

High Hazard Unit 2000-2001

Total workplace inspections:	788
Total violations cited:	3,644
Proposed penalties:	\$7,613,219

Determining criminal violations

The DOSH Bureau of Investigations (BOI), which determines criminal violations, is required to investigate accidents involving violations of standards, orders or special orders in which there is a fatality, serious injury or illness to five or more employees, or a request for prosecution from the division's civil compliance staff. BOI also reviews the inspection reports of violations in which serious injury or exposure occurred.

In cases involving serious injury or death, BOI is required to refer the results of its investigation to the appro-

Worker Safety Circuit Prosecutor Project

Assembly Bill 1599 allows DIR to contract with the California District Attorneys Association (CDA) to support DOSH enforcement activities with attorney services. The CDA Worker Safety Circuit Prosecutor Project (WSCPP) was established in April 2001 to provide experienced worker safety prosecutors and an investigator to California's rural counties that may lack the expertise, staff and resources to investigate and prosecute work safety crimes.

This project provides training to regulators, law enforcement officers and prosecutors throughout the state. Circuit prosecutors prepare cases presented by Cal/OSHA and prosecute violations under the supervision of California's district attorneys. WSCPP fills a significant gap in protecting workers from safety violations by providing professional services to more than 30 rural California counties.

The primary goal of the worker safety project is to respond to the scene of a workplace death as soon as possible. For example, on Nov. 15, 2001, the WSCPP was advised of an electrocution death in Madera County within hours of Cal/OSHA's initial notification, and the circuit prosecutor and investigator went to Madera County to observe the scene on the same day.

The WSCPP investigator examines fatal incidents and other serious violations of occupational safety and health standards, rules, orders and regulations. Circuit prosecutors then look at the evidence collected and determine whether the case should be referred to a district attorney for either criminal or civil prosecution.

Because many fatalities involve Latino workers and many of the witnesses are Spanish speaking, the WSCPP relies on Spanish-speaking student interns as interpreters and a circuit prosecutor who is fluent in Spanish. Four farm worker deaths in the central valley and northern California are under investigation.

In January 2002 DOSH regulatory staff and investigators held a Worker Safety Prosecutor Roundtable with city and district attorneys and their investigators to facilitate case discussions and information sharing. Discussed at this first roundtable were the criteria for establishing a willful violation as defined in the Labor Code, who can be charged in a contractor/subcontractor issue and several legislative ideas. A task force was appointed to look into the feasibility of a worker safety prosecutors' manual, and future meetings were planned to discuss cases and concerns.

appropriate prosecuting authority, unless the bureau determines there is legally insufficient evidence of a violation of the law.

For example, a recently prosecuted case involved a company using explosives in their manufacturing process, during which an uncontrolled explosion resulted in the death of one employee and injury to another. The employer was charged in superior court with two felony counts of willfully and unlawfully violating the Labor Code by actions that caused the death of a worker. The employer was also charged with two misdemeanor counts of violating the Labor Code by repeatedly and unlawfully

creating a real and apparent hazard to employees.

In superior court this case resulted in a stipulated and final judgment between the state of California and the employer, who pled no contest to the two misdemeanor counts. The two felony counts were deferred without action for the duration of the two-year summary probation period. The employer paid civil penalties of \$970,000 and an additional civil/criminal penalty of \$1 million in a parallel settlement.

BOI cases referred for criminal prosecution during 2000-2001 totaled 139. Of those cases, prosecutor's criminal filings numbered 45. Because of recent legislative changes, employers may be criminally charged with felony violations for manslaughter—and under certain circumstances, second-degree murder.

Technology and training for field staff

DOSH enforcement officers generate documentation from the field on laptop computers and portable printers—from such sources as statements by witnesses, experts, police and fire personnel, and observations in the field. Information on subjects associated with a particular industry or the applicability of a workplace safety and health standard is accessed in the field by modem through the laptop computer.

Technology improvements in accident investigation and inspections include use of digital cameras. The DOSH technology services unit developed wireless voice and data communications links to assist field staff in remote areas, and the division now has several video conferencing sites in operation for training sessions and meetings.

DOSH continues its internship program in the fields of engineering and occupational safety and health. The West Covina office works with such colleges as UCLA, Cal State Northridge and Cal Poly Pomona. Outreach programs through these schools include job fairs and guest lectures.

The division trains junior safety engineers and industrial hygienists in its one-year program intended to transform college graduates into field staff. Seven juniors completed the requirements of the program in 2001 and are preparing for the assistant exam in their respective disciplines.

Cal/OSHA Consultation Service

The Cal/OSHA Consultation Service, whose objective is to work cooperatively with industry, labor, and safety and health organizations to lower workplace injuries and illnesses, offers a wide range of consulting services:

- On-site safety and health assistance
- Technical and regulatory advice
- Educational outreach
- Recognition and incentive programs for employers.

California employers and their employees have a no-cost, penalty-free and confidential resource available for their job site safety and health needs. The Cal/OSHA Consultation Service is not connected with Cal/OSHA enforcement. Consultants do not take part in enforcement activities, communications between the employer and consultation staff are held in confidence and not shared with enforcement staff, and on-site consultation visits do not result in citations or penalties.

In light of the tragic events of Sept. 11, 2001, and subsequent threats of bioterrorism, the consultation service issued a fact sheet for mail handlers on reducing workplace risks for anthrax exposures. The fact sheet was mailed statewide to courier establishments to educate employers and employees about anthrax, and provide them with information and sources of help for preventing or managing potential worker exposures to anthrax.

On-site safety and health assistance

During 2000-2001 the Cal/OSHA Consultation Service helped employers identify and correct over 26,000 hazardous conditions that if left unabated could have caused injury or illness in the workplace. On-site visits also emphasize developing and maintaining injury and illness prevention programs—the goal is to help employers become self-sufficient in job site safety and health.



Bloodborne Pathogens Safety and Health Inspection Program

In 2001 DOSH began the Bloodborne Pathogens Safety and Health Inspection Program (BSHIP) to enforce recent changes to the bloodborne pathogens standard. In 1999 California was first nationwide to place stronger requirements on employers to use needles and other sharps devices engineered to reduce the chances of needlestick injuries. Major revisions to the standard were adopted in July 1999 to strengthen worker protection from transmission of bloodborne pathogens due to such injuries.

Approximately 700,000 health care workers in California are at risk of workplace exposure to life-threatening bloodborne pathogens. The vast majority of these exposures are caused by needlestick injuries. Annually at least 100,000 California health care workers are injured by accidental needlesticks. Although the risk of disease transmission is low for most types of needlesticks, all such injuries have the potential for transmitting bloodborne pathogens such as HIV, Hepatitis B and C viruses—and health care workers are most at risk for occupationally-acquired infection.

Revisions to the bloodborne pathogens standard focus on prevention of needlesticks and other sharps injuries. In health care delivery settings, these injuries typically occur when a health care worker inadvertently punctures his/her skin with a hypodermic syringe or other sharps device that was used on a patient and is contaminated with the patient's blood or other body fluids. Sharps injuries are the primary mode of transmission of bloodborne pathogens in the workplace.

Under BSHIP, DOSH conducted 147 programmed inspections which included evaluating the employer's bloodborne pathogen exposure control program. As a result of these inspections, 189 violations of the bloodborne pathogens standard were cited. DOSH produced several publications about reducing exposure to bloodborne pathogens and conducted training for employers and employees.

In 1999 the California Legislature established the Sharps Injury Control Program to study sharps injuries in California hospitals, skilled nursing facilities and home health agencies. Goals of the program include conducting a sharps injury surveillance study to identify the degree of risk from different types and brands of medical devices and procedures, and making safety recommendations for sharps devices. Employers are required to maintain a sharps injury log recording the type and brand of device involved in the exposure incident, and details of the incident useful for taking preventive action.

The Hazard Evaluation System and Information Service (HESIS) recruited 199 health care facilities to participate in a pilot sharps injury surveillance program designed to increase awareness of and compliance with California's new revisions to the bloodborne pathogens standard, as well as to produce data on the effectiveness of hospital use of sharps devices with engineered sharps injury protection. DOSH believes the outcome of the HESIS program will provide an adequate measure of sharps injury prevention efforts, and will serve as the basis for planning future BSHIP activities to reduce exposure to bloodborne pathogens.



On the Internet from DOSH:
<http://www.dir.ca.gov/dosh>

- proposed regulations
- frequently asked questions about Title 8 section 5193, bloodborne pathogens standard
- workers page: imminent hazard situations, how to file a complaint, the complaint handling process, whistleblower complaints, worker rights, worker responsibilities, employer responsibilities
- enforcement: reporting accidents, filing complaints, new legislation impact, performance plans for agriculture and construction and bloodborne pathogen safety and health inspection projects
- reports: inspections and violations by quarter, outcomes analysis of contested cases, targeted inspection/consultation programs, AB 1127 implementation in 2000
- asbestos: enforcing asbestos standards, contractor registration process and database, certifying consultants and surveillance technicians, AHERA training providers and approval process
- cranes: certifier accreditation unit, certifier database, tower crane regulations and practices
- health and safety publications
- Title 8 workplace safety and health regulations
- enforcement unit district office locations statewide

E-mail questions to DOSH: InfoCons@dir.ca.gov

Technical and regulatory advice

Many employers are able to obtain the assistance they need by phone or e-mail. In 2000-2001 the consultation service logged more than 100,000 telephone consultations and answered 4,500 e-mail inquiries. Calling its toll-free number gives the user options to transfer to a technical response line or the nearest Cal/OSHA Consultation Service office for assistance.

Educational outreach

The consultation service cooperates with industry, labor, insurance, educational, and safety and health organizations, as well as Cal/OSHA enforcement, to assess safety and health information needs of California employers and employees. An education unit within the consultation service develops educational products to meet these needs. Products range from presentations to publications and Internet information pages.

Throughout 2000 and 2001, consultation service staff participated in nearly 1,000 seminars and conferences presenting a diverse range of subjects—including agriculture safety and health, construction fall prevention, bloodborne pathogen recognition and control and ergonomics in the workplace. The estimated 35,000 employers in attendance potentially affected more than one million workers.

More than 500,000 publications were mailed out, many to other states and some on a national scale. The publications are also available from the DOSH Web site. The emphasis in 2001 was on Internet-based products that allow even more employers and employees access to workplace safety and health information.

On view at <http://www.dir.ca.gov/dosh/consultation.html>, the Cal/OSHA consultation video shows employers from diverse industries how consultation service staff can help them attain their safety and health objectives, raise employee morale and improve their bottom line. Federal OSHA, seeking a vehicle to promote consultation services in other states, coordinated an effort to re-tool the video for broader and potentially national distribution. Consultation staff assisted in the project, to date adapting the video for use by Pennsylvania, Maryland, Delaware, Virginia, West Virginia and the District of Columbia.

Recognition and incentive programs

The California Voluntary Protection Program (Cal/VPP) recognizes job sites with safety and health programs that have achieved excellence in reducing workplace hazards. Initiated in California, the program was adopted by the federal government and is recognized nationwide.

In September 2000 a general contractor received recognition under a new pilot program as the first in the nation to receive Cal/VPP Star contractor status. A Star contractor has been proven to initiate and maintain exemplary safety

and health programs at all of its construction sites in California, rather than just one site as established under the usual Cal/VPP Star program.

Candidates who achieve Cal/VPP Star status are removed from the Cal/OSHA enforcement programmed inspection lists. Cal/VPP candidates must have injury and illness rates well below the industry average and demonstrate extraordinary commitment to job site safety and health.

Ten new sites were inducted into the Cal/VPP Star program during 2000-2001, bringing the total number of active Star sites in California to 20. The new Star sites are:

- Swinerton Builders, Concord—Carpenters, Laborers

and Operating Engineers

- George Weston Bakeries, Inc., Placentia—Bakers, Confectioners and Tobacco Workers
- Cardinal Cogen, GECS, Stanford—Service Employees International
- Frito-Lay, Inc., Visalia
- Fluor/FF&PS, Inc., San Jose
- GE Garrett Aviation, Los Angeles
- GE Vallecitos Nuclear Center, Sunol
- Georgia-Pacific Corporation, Madera
- C P Kelco, San Diego—Operating Engineers
- Signode Western Operations, Pittsburgh

Occupational Safety & Health Standards Board

Cal/OSHA workplace standards

The Occupational Safety and Health Standards Board—comprised of seven members appointed by the governor—is required to adopt reasonable and enforceable standards at least as effective as those adopted by federal OSHA. The standards board further protects the safety and health of workers by adopting additional orders when no comparable federal standards apply. Pending development of a permanent standard, emergency regulations may be adopted to take immediate effect where employees are exposed to serious hazards or life-threatening danger.

California's standards for workplace safety and health are in Title 8 of the California Code of Regulations, which is available on the Internet in a searchable format from the standards board home page at <http://www.dir.ca.gov/oshsb>. During 2000-2001 the standards board adopted 45 rulemaking packages—to adopt, amend or repeal standards—which can also be viewed from the standards board home page.

Ongoing activities and work in progress

The board strengthened regulations for the use of insulated gloves, barriers, worker apparel and ground based observers when working on energized conductors and equipment. The board also strengthened regulations for hoisting and erecting precast, prefabricated and tilt-up

concrete panels to prevent worker injury from collapse or falling panels during building construction.

In 2001 the standards board adopted a comprehensive update of California's logging regulations. In addition, the board amended regulations for work in confined spaces to specify air monitoring for oxygen enriched atmospheres, use of approved sampling equipment in flammable atmospheres, and procedures for coordinating confined space operations at multi-employer work sites.

The standards board revised its standards to be at least as effective as two new federal OSHA standards for blood-borne pathogens and for powered industrial truck training in marine terminal operations. The board set another precedent for California when it adopted standards for use of mountain climbing equipment and rope access techniques as a method of employee fall protection.

The standards board may grant a permanent variance requested by an employer from a workplace safety or health regulation only when the applicant has demonstrated by a preponderance of evidence that the alternative measures provide equal or superior protection for workers. During 2000-2001, the board docketed 90 variance applications and granted 42 permanent variances.

Those seeking regulatory changes may petition the board verbally or in writing, and the standards board has



six months following receipt of a petition to report its decision. During 2000-2001 the board received 25 petitions, of which 18 were granted.

The public may ask to take part in standards development as members of advisory committees, and may comment on proposed, new or revised standards at the board's public meetings that are held monthly in Sacramento, Oakland, Los Angeles and San Diego.

In addition to updating Title 8 standards for workplace use of explosives and adopting regulations for permanent amusement rides, the standards board is including additional work practices as a part of revising regulations for erecting structural steel buildings so that they conform with new federal OSHA standards.

In response to a petition received from five southern California labor organizations, the board convened an advisory committee to work on new regulations for vehicles used in live news reporting. These precedent-setting safety orders are scheduled for public hearing in 2002.

The Title 8 reform project initiated in December 2000—to organize the chapter 4 safety orders for easier use—is scheduled for completion in 2005.

On the Internet from standards board:
<http://www.dir.ca.gov/oshsb>

- monthly calendar of activities, schedule of upcoming advisory committees
- notice of monthly public hearings, agenda for each monthly meeting
- annual rulemaking calendar
- proposed regulations and supporting documentation, 1998 to present
- approved regulations, 1998 to present
- variance application
- proposed variance decisions
- guidance publications: petition process, variance process, advisory committee process, role and responsibility of the board
- public mailing list instructions and request form
- roster of standards board members
- Title 8 workplace safety and health regulations

E-mail questions to standards board:
oshsb@hq.dir.ca.gov

Occupational Safety & Health Appeals Board

Employer appeals from DOSH citations

The Occupational Safety and Health Appeals Board, a three-member board appointed by the governor from management, labor and the general public, functions independently of the Division of Occupational Safety and Health (DOSH). The appeals board resolves appeals regarding DOSH enforcement actions.

The appeals board's mission is to handle appeals fairly and in a timely manner, and to provide employers and workers with clear and consistent guidance regarding safety and health in the workplace.

Working with efficiency

The appeals board made major progress in 2001 toward achieving an efficient six-month turnaround for issuing second-level decisions—called decisions after reconsideration (DARs)—a feat similar to the appeals board's achievement in 1998-1999 for first-level appeals. The appeals board expects to achieve its six-month turnaround time goal for issuance of DARs in 2002-2003. In 2001 the appeals board issued 71 DARs, surpassing its 1999 record of 55.

Continuing its commitment to efficiency, the appeals board docketed 4,555 appeals during the year 2000 and disposed of 3,530 appeals. In 2001 the appeals board docketed 5,255 appeals and disposed of 4,265. Almost 70 percent of the appeals were resolved in shorter telephone prehearing conferences with administrative law judges (ALJs), a process that eliminated longer formal hearings of those appeals.

Docketed appeals increased greatly in 2001, because **Assembly Bill 1127** had increased the maximum civil penalty for serious violations from \$7,000 to \$25,000. The legislative change allowed DOSH, through its regulatory process, to increase its base penalty for serious violations from \$5,000 to \$18,000 before considering other factors that would influence the final penalty: size of company, history of previous violations, and good faith efforts to follow safety and health regulations.

Employers have 15 working days to appeal DOSH-issued citations and proposed penalties. Employers may also appeal special orders, abatement requirements including the reasonableness of changes required by DOSH, and notices of failure to abate original citations. AB 1127 also increased the maximum penalty for failure-to-abate violations from \$7,500 to \$15,000 per day.

After a prehearing in which a settlement is reached among the parties, or a hearing in which an ALJ issues an

order or decision, an aggrieved party may file a petition for reconsideration directly with the appeals board within 30 days of service of the ALJ order or decision. If the appeals board grants the petition for reconsideration, it then issues a decision after reconsideration (DAR). Within 30 days of service of a board-issued DAR, an aggrieved party then may file a petition for writ of mandate in superior court.

In April 2001 the appeals board published a revised appeal information booklet about the appeals process. To better reflect its role as the quasi-judicial arm of the occupational safety and health program, the appeals board changed its acronym to Cal/OSHA App., more recognizable in the legal field—App. is the abbreviation for Appeals or Appellate and used throughout the U.S. by appellate bodies.

On the Internet from appeals board: <http://www.dir.ca.gov/oshappeals>

- appeal information booklet 2001
- employer video: Handling Your Appeal before the California Occupational Safety and Health Appeals Board
- schedule of public hearings and meetings
- decisions after reconsideration
- information on the appeals board, its members, and the appeal process
- Title 8 appeals board regulations

E-mail questions to appeals board: oshappeals@dir.ca.gov



apprenticeshiptraining

Division of Apprenticeship Standards DAS

California Apprenticeship Council CAC

Division of Apprenticeship Standards **DAS**

California apprenticeship system

The Division of Apprenticeship Standards administers California law governing standards for wages, hours, working conditions and training required for all state registered apprentices, leading to a state issued certificate of completion when all aspects of the apprentice's training are satisfactorily completed and journeylevel status achieved. DAS annually awards completion certificates to the graduates of the 1,568 currently active apprenticeship programs in more than 200 occupations.

DAS goals are twofold: to match the needs of workers—for the skills to get and keep a decent paying job—with those of employers—for motivated workers with the skills to do the job; and to strengthen the apprenticeship alliance among industry, labor, education and government for recruiting workers and teaching the skills they and their employers need.

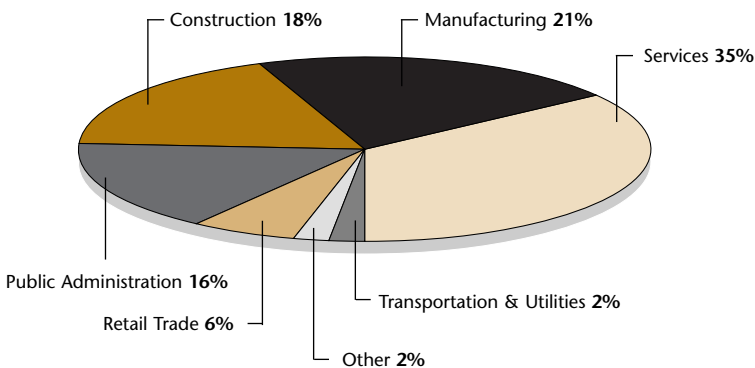
Professional staff of the division establish new apprenticeship programs in any of the 800 recognized apprenticeship occupations. DAS works with the apprenticeship program sponsors and monitors their on-the-job training coupled with related instruction to ensure the high standards set by the division.

Consulting locally on new apprenticeships

From offices around the state, DAS consultants work locally with employers—and their collective bargaining partners where applicable—to develop new apprenticeship programs, determining the length of training and specific skills necessary to perform at the level required in the occupation. They help the new program sponsors locate and make arrangements with local education agencies to provide the classroom instruction that augments the on-the-job training.

DAS consultants can also help new sponsors with the standards for their program operation, as well as appen-

California apprenticeship programs by industry



tice registration procedures, a wage progression for apprentices, and completing the elements comprising apprenticeship program standards. They arrange for payment of veterans training benefits to eligible apprentices, and assist in outreach activities to attract apprentice applicants.

The 66,152 apprentices in California are maintaining a time-honored system that has proved adaptable to change. As some traditional jobs disappear, new high-tech and service jobs take their place, and California's apprentices are achieving a higher level of skills than ever before to earn a living in the global marketplace.

Keeping track

The division's program planning and review unit reviews all new and revised apprenticeship program standards for compliance with California apprenticeship law. The records unit fulfills a vital role as centralized record keeper for active apprentices statewide, in addition to graduates in the last 20 years or more.

Apprentices	1997	1998	1999	2000	2001
Total	49,468	52,445	60,403	63,859	66,152
Non-minority	24,960 (50.5%)	25,923 (49.4%)	28,882 (47.8%)	29,876 (47.8%)	29,926 (45.2%)
Minority	24,508 (49.5%)	26,522 (50.6%)	31,521 (52.2%)	33,983 (53.2%)	36,226 (54.8%)
Women	5,266 (10.6%)	5,006 (9.5%)	5,422 (9.0%)	5,353 (8.4%)	4,920 (7.4%)

Contributing to One-Stop Centers

California's apprenticeship system is one link of the California Workforce Investment Board's (CWIB) federal Workforce Investment Act (WIA) One-Stop Centers located throughout the state. The centers provide a full range of services for job seekers and employers. CWIB staff are working with DAS, the California community colleges and Department of Education to link apprenticeship programs with training and services offered through the one-stop system.

DAS provides the CWIB with apprenticeship promotional materials such as *Opportunity is Knocking* posters, *The Apprentice* newsletter and the video *Apprenticeship: California's Best Kept Secret*.

DAS also provides statistical reports to the federal Apprenticeship Training, Employer and Labor Services, the U.S. Veterans Administration and other interested parties.

Auditing to maintain high standards

Recent legislation strengthens the regulation of apprenticeship programs in California by providing for audits of DAS-approved programs to ensure they meet the high

standards necessary for preparing apprentices for the workplaces of the future, and to prevent apprentice exploitation by employers or program sponsors.

The first programs for audit were randomly selected in September 2000. By Sept. 30, 2001, 104 audits were initiated, of which 56 were simplified audits of programs with fewer than five apprentices, and the remainder were full audits. As a result, 31 of these programs were cancelled due to inactivity. By Dec. 31, 2001, 11 final audit reports were completed, 34 proposed reports were being finalized, 28 other audits were in progress and 21 additional programs had been randomly selected for audit.

Public works enforcement

DAS verifies apprentice registration and status, and enforces requirements of Labor Code section 1777.5 mandating employment of apprentices on all public works projects. DAS monitors these projects by investigating the complaints filed with the division. When an investigation reveals a violation of the law, DAS may assess a civil penalty or debarment for up to three years, depending upon the seriousness or recurrence of the violation.

From Jan. 1, 2000 to Dec. 31, 2001, the division received 1,204 complaints alleging violations of apprenticeship law on public works projects. Of the total, 232 complaints were withdrawn or dismissed without merit, and notices of violations were issued on 39. Three debarments were issued.

Apprentice complaints

The division's investigations unit also handles complaints or appeals filed by apprentices regarding their program sponsors. Following conclusion of investigations and hearings, a formal determination is issued by the administrator of apprenticeship, DIR's director. From Jan. 1, 2000 to Dec. 31, 2001, the division received 37 complaints from apprentices who charged that actions by their program sponsors were unfair or unreasonable, ranging from selection procedures to dismissal from a program. Of these cases, 12 were dismissed for lack of merit or withdrawn by the complainant. One case is set for hearing and another is on appeal to the California Apprenticeship Council. The remaining cases are still under investigation.

Training fund created by legislation

Assembly Bill 2481 (Romero) revised statutes on collection and distribution of apprenticeship training contributions received from employers on public works projects.

DAS collects training contributions and deposits them into a new Apprenticeship Training Contribution Fund. At the end of each fiscal year, commencing in 2002, the division distributes grant funds to approved apprenticeship



Rosie the Riveter leaves legacy for tradeswomen

Promoting women's participation in construction trade apprenticeships is the goal of a coalition of labor and government groups, including DAS, as they plan events aimed at local high school girls and community college women. One event was a celebration at the newly-dedicated Rosie the Riveter Memorial in Richmond, California.

Dedicated in October 2000 during a ceremony that attracted 100 Rosies, the Rosie the Riveter memorial honors those six million women who during World War II traded in their pots, pans and brooms for wrenches and welding rods to support the defense industry. The Kaiser shipyards in Richmond served as a magnet for the migration of women from home to workplace.

This memorial, the only one in the nation honoring women's contributions to the World War II home front, helps illuminate the lives of defense industry workers such as Katie Grant. She moved with her husband and infant daughter from Oklahoma to California in 1943 to pack fruit before ending up at the Richmond shipyards while her husband served in the Pacific with the Marines.

"I worked the graveyard shift 12-8 a.m. in the shipyard," Grant wrote in a short memoir. "I took classes on how to weld. I had leather gloves, leather pants, big hood, goggles and a leather jacket. They said you weld like you crochet."

They put me 40 feet down in the bottom of the ship to be a tacker. I filled the long seams of the cracks in the ship corners full of hot lead and then brushed them good and you could see how pretty it was. The welders would come along and weld so it would take the strong waves and deep water and heavy weight. I liked it pretty good."

The celebration began a statewide campaign to increase the number of women in construction trades apprenticeships and coincided with Women's History Month. Along with guided tours of the monument, the event offered apprenticeship information booths and hands-on demonstrations in welding, heavy equipment operation and ironwork. A program featured Rosies, tradeswomen and the premiere of an oral history film about women employed in the defense industries during World War II.

The celebration was sponsored by Tradeswomen Inc., Contra Costa Central Labor Council, City of Richmond, State Building and Construction Trades Council of California, the Department of Industrial Relations and DAS, the Employment Development Department and Richmond Works, One Stop Downtown, U.S. Department of Labor Women's Bureau Region IX, Glaziers Local 718 and the law firm of Kazan, McClain, Edises, Simon and Abrams.



programs in the craft and geographic area each serves. During 2001, training fund contributions from contractors on public works jobs totaled \$1,142,149.

Job training for veterans

DAS monitors job training programs for veterans, under a federal contract with the U.S. Department of Veterans Affairs, to make sure veterans receive their educational benefits. The federal/state partnership dates back to the GI Bill of Rights signed into law in 1944. In its advocacy role the division is responsible for:

- Program approval, evaluating the training quality according to state and federal criteria, revising to remain current with rapid technology changes and school-to-work programs
- Facility oversight, classroom and training center visits to determine compliance with state and federal regulations and evaluate new programs
- Liaison, acting as the state liaison between military installations and schools, employers, labor groups and state veterans organizations to provide information and promote GI Bill use
- Contract management, establishing a plan of operation, performance standards and employee qualification standards to ensure effectiveness, and providing required reports.

Expanding child care apprenticeships

Boosted by a \$350,000 federal grant, DAS is expanding and improving California's child care apprenticeship programs in response to the well-documented shortage of employees in the early childhood field. The division is receiving the input of members of the child care industry, labor organizations, child care advocacy organizations and state regulatory bodies. The current DAS apprenticeship in child care requires 2,000 hours of on-the-job training and 120 hours per year of related and supplemental coursework.

The newly established Child Care Apprenticeship Advisory Committee advises DAS on issues such as licensing standards for staff employed at publicly and privately funded licensed child care centers and family day care homes, integrating educational standards with the registered child care apprenticeship standards, and addresses wage, benefit and longevity concerns of workers and employers at child care facilities. The committee also advises DAS on establishing career ladders among the child care occupations and on proposed expanded apprenticeship standards.

DAS expects the new state standards to meet or exceed the federal child care apprenticeship standard of 4,000 hours of on-the-job training and 144 hours per year of related and supplemental instruction in early childhood

education and child development. According to a recent study by the National Economic Development and Law Center, total employment in the California child care industry exceeded employment levels in legal services and computer and office equipment industries. Programs developed under the new standard are designed to meet the demand for skilled, trained child care professionals.

Developing electrician certification program

Legislatively required to establish and validate minimum standards for the competency and training of electricians through a system of testing and certification, DAS appointed an advisory committee that submitted recommendations for the program's implementation.

In June 2001 proposed regulations were mailed to all electrical contractors in the state. DAS held a 45-day public comment period and public hearings for input, impaneled 36 subject matter experts and appointed seven members to a subject matter expert executive committee, all of whom met regularly to produce a test bank of questions.

Pilot testing was held in July 2001 throughout the state. Development and validation of the test is complete. DAS is working on modifications to the proposed regulations, vendor selection for the test administration portion of the certification process, and—with assistance from DIR information services—developing a database to help process the thousands of applications. Testing for certification is planned for several locations around the state during the summer of 2002.

On the Internet from DAS: <http://www.dir.ca.gov/apprenticeship.html>

- notice of public meetings
- Apprenticeship Information Guide
- public works apprenticeship committees directory
- public works forms
- electrical certification program information
- frequently asked questions
- School-to-Career/A Guide for Educators
- orientation to apprenticeship resource guide
- governor's proclamation honoring California apprentices
- apprentice testimonials
- Title 8 regulations
- Annual Report on Activities to the Legislature and the Public
- office locations statewide

The foundation of California's apprenticeship system

is partnership among industry, labor, education and government.



Industry funded and industry driven, the apprenticeship system provides an effective balance between learning by doing and theoretical instruction, and develops workers with marketable skills.



California's industries and employers voluntarily sponsoring or participating in an apprenticeship program find this system of training efficient and cost effective because it eliminates expensive recruitment programs for people who are already trained, creates a diversified and flexible pool of employees with desired skills, and reduces costs of high labor turnover.



Employees show high morale and company loyalty when in an apprenticeship that offers upward mobility through career development, and apprenticeships adapt to include training of new skills in demand by industry.



California Apprenticeship Council CAC

Apprenticeship program policy

Established by the 1939 landmark Shelley-Maloney Apprentice Labor Standards Act, the California Apprenticeship Council sets policy for the Division of Apprenticeship Standards (DAS). The 17-member council is comprised of six employer, six employee and two public representatives appointed by the governor, plus one representative each of the chancellor of the California community colleges, superintendent of public instruction, and director of industrial relations as administrator of apprenticeship. The DAS chief serves as secretary to the council, and the division provides staff assistance to the CAC and its subcommittees.

The council meets quarterly in different locales around the state to address issues affecting apprenticeship in California:

- Receives reports from the DAS chief and other cooperating agencies
- Provides policy advice on apprenticeship matters to the administrator of apprenticeship
- Ensures selection procedures are impartially administered to applicants
- Conducts appeals hearings on apprentice agreement disputes, new apprenticeship standards for approval, and apprenticeship program administration
- Adopts regulations carrying out the intent of apprenticeship legislation.

School-to-Career/Apprenticeship

The CAC is represented on the employer/labor committee of School-to-Career, a network of local partnerships involving parents, educators, business, labor and communities in a method of teaching that prepares students for college and the job market by integrating academic studies with real-world applications and work-based learning experiences. Work-based learning includes job shadowing, interning with local employers and organizations, and participating in school-based business enterprises.

School-to-Career/Apprenticeship differs markedly from other work experience programs: all on-the-job training is paid, and the agreement signed with the employer is a commitment to continued employment and training upon the student's graduation. California's apprenticeship training system is a natural fit with school-to-career, easing the transition from education to employment and

increasing graduation rates while giving students expanded career options.

With CAC, DAS developed a strategy to make apprenticeship opportunities available to high school students, expanding the apprenticeship concept beyond its traditional forms and participants. Pilot programs partnering schools, students and businesses introduce a proven career system, while businesses gain access to a work force of energetic and motivated young people.

Encouraging students to stay in school and graduate, the program begins preparing them for transition into selected career fields through part-time, paid on-the-job training while they are still in school. The apprenticeship agreement outlines job-specific training to be provided by employer and school. Upon graduation, the student continues in the apprenticeship program with full-time employment and further classroom instruction in the community college system or adult education until the term of apprenticeship is completed.

Guiding educators

Published in January 2001, *Orientation to Apprenticeship: A Guide for Educators* was developed at the initiative and under guidance of the CAC. The council's School-to-Career/Apprenticeship ad hoc committee was given responsibility for producing this booklet that introduces educators to career opportunities through apprenticeship training for young people.

The guide presents course outlines for curriculum supporting apprenticeship opportunities for students and includes a list of apprenticeable occupations, detailed information on apprenticeship training and other suggestions for preparing students for an apprenticeship program. The booklet has been distributed to thousands of career counselors and other school staff throughout California.



workers'compensation

Division of Workers' Compensation DWC

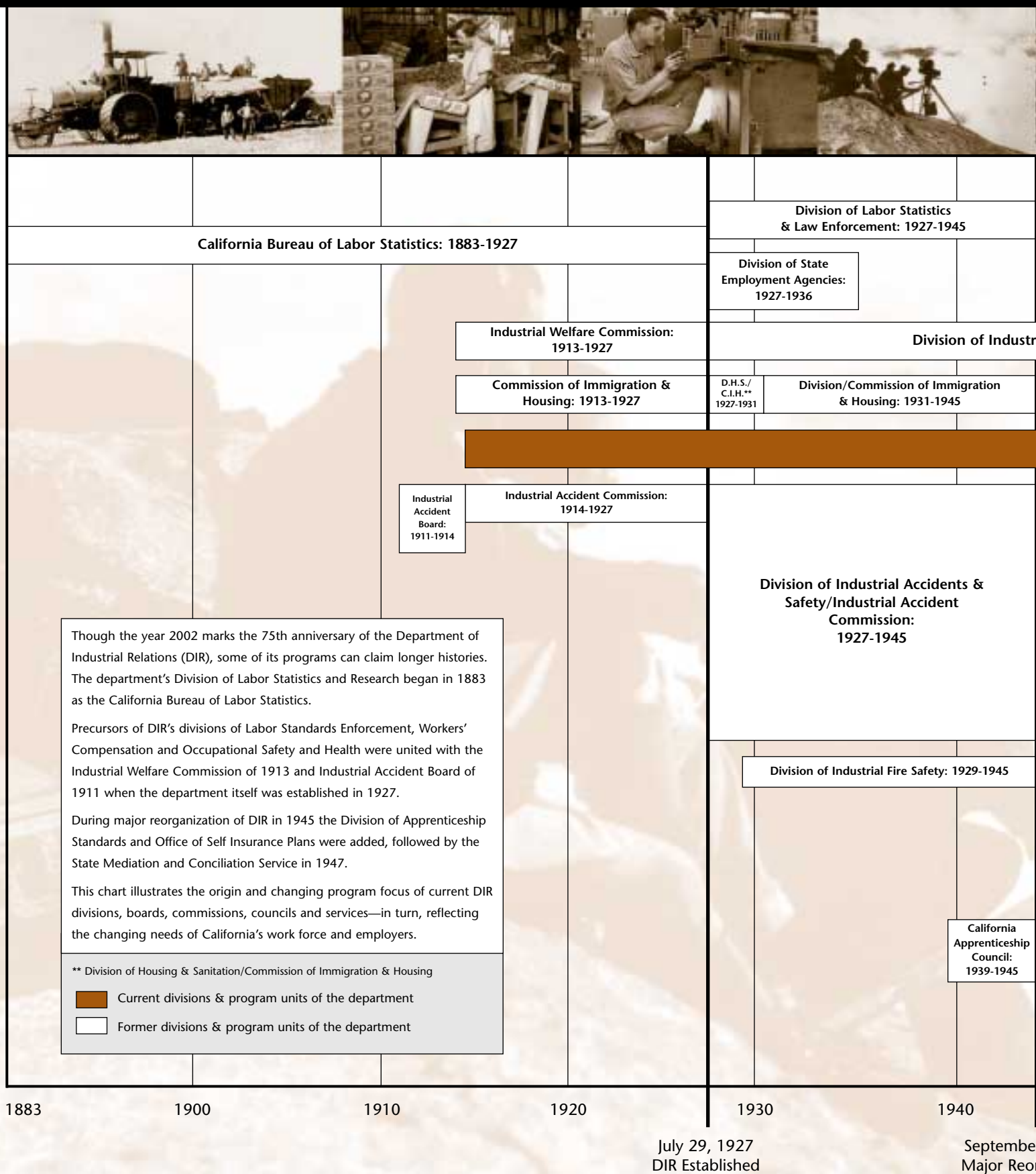
Workers' Compensation Appeals Board WCAB

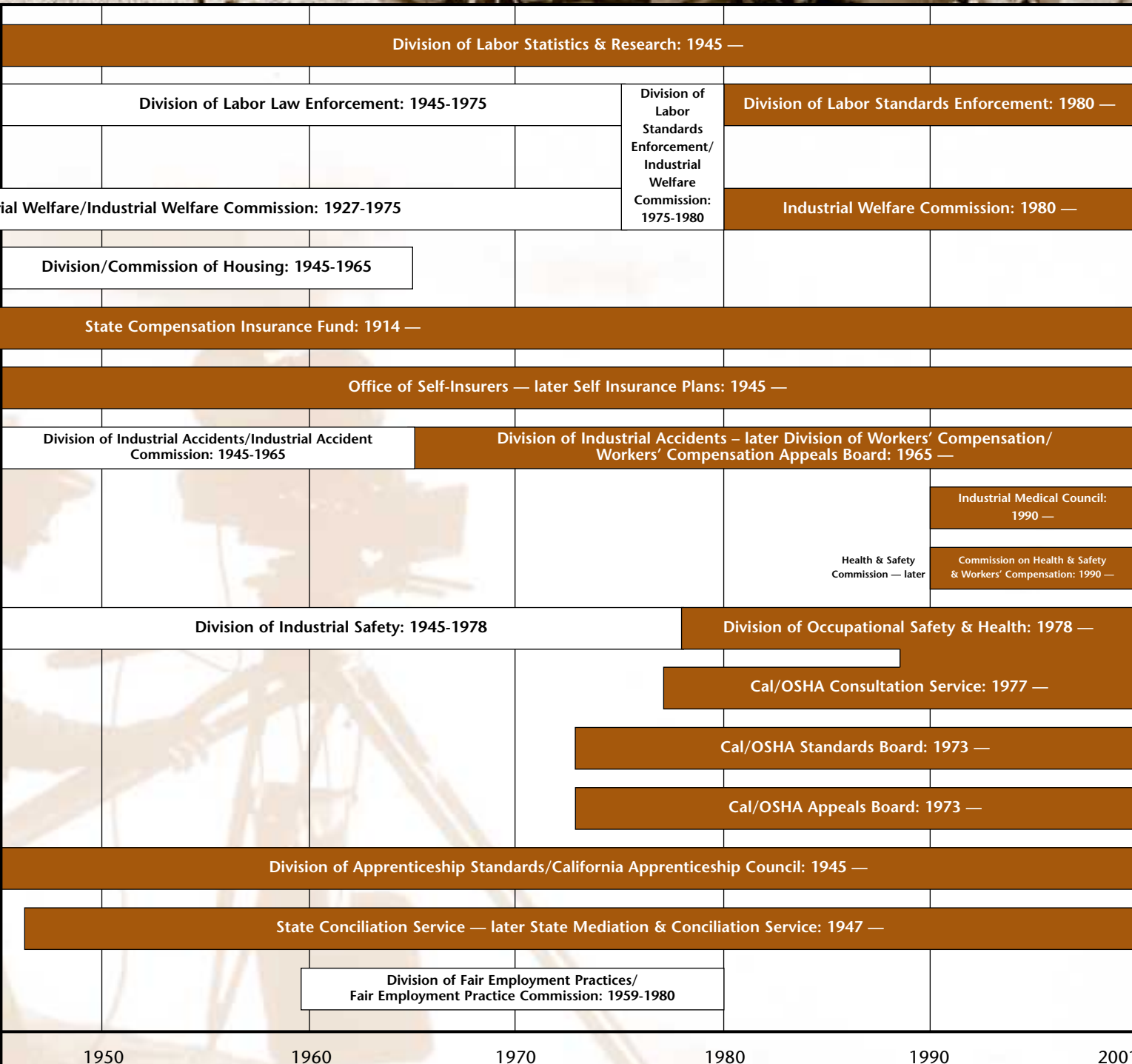
Industrial Medical Council IMC

Self Insurance Plans SIP

Commission on Health & Safety
& Workers' Compensation CHSWC

Over a century of service to the people of California





or 15, 1945
organization

Division of Workers' Compensation **DWC**

Workers' compensation system

The Division of Workers' Compensation monitors administration of workers' compensation claims and manages the exclusive judicial system in which industrial injury claims are resolved or adjudicated. DWC's goals are to ensure that the state's workers' compensation system functions as one in which injured workers receive the benefits to which they are entitled with minimum delay from disputes and minimum expense to employers.

During the next two years the division is focusing on:

- Implementing provisions of **Assembly Bill 749** (Calderon), the comprehensive workers' compensation bill signed by the governor in early 2002
- Implementing proposed reforms to improve the state's workers' compensation judicial system
- Converting the mandated fee schedule used by physicians for medical billing to a simplified national standard based on the Medicare model
- Submitting medical reports into the Workers' Compensation Information System (WCIS) to complete its third and final development phase.

2000-2001 activity highlights:

- Participating in a dramatic increase in the HCO program that certifies health care organizations to provide medical care to injured workers. The number of employees enrolled in these programs grew from under 40,000 at the end of 1999 to approximately 230,000 by the end of 2001.
- Assessing the first two civil penalties against claims administrators for their violations of the state's audit statutes governing claims handling practices
- Participating in an interagency project to use data from the Uninsured Employers Fund to help identify potentially uninsured employers for enforcement purposes

- Consolidating a statewide information services center in San Bernardino to receive incoming DWC calls and provide information and assistance to injured workers—particularly those not represented by an attorney—as well as to employers, claims administrators and medical service providers
- Continuing WCIS development. The first phase—submitting initial reports of injury—became operational in early 2000, and the second phase—submitting subsequent reports—began in 2001. Electronic submission of mandated reports replaces the submission of paper forms by claims administrators.
- Hosting the 29th annual convention of the Western Association of Workers' Compensation Boards in 2001 and planning to host the 89th annual meeting of the International Association of Industrial Accident Boards and Commissions in 2003
- Increasing the internal training for workers' compensation administrative law judges and other DWC staff, which included training from the National Judicial College.

Operating California's workers' compensation court system

DWC maintains 25 district offices in which workers' compensation administrative law judges adjudicate claims disputes, review and approve proposed settlements, and provide other judicial services. The presiding judge in each office also oversees activities relating to workers' compensation cases—such as providing information and assistance to injured workers and other parties in a case, rating industrial disabilities, and resolving disputed vocational rehabilitation plans.

During 2000-2001 the number of new cases opened at local offices continued to rise, a trend that began toward the

Calendar Year	Total New Filings	Declarations of Readiness	Hearings
1997	197,599	232,742	254,012
1998	187,959	230,653	238,666
1999	189,917	235,739	229,282
2000	195,673	241,859	228,940
2001	198,829	238,666	244,936
Sources, DWC/WCAB Online Data System: New Filings Report 10; Declarations of Readiness Report 13 - Quarterly; Hearings Report 20.			

end of 1999. The number of requests for hearings, relatively stable during the previous two years, also began to rise.

The number of conferences, trials and other hearings, however, began to level out after declining noticeably during 1998-1999. That decline apparently was due to procedures put in place to expedite the often lengthy hearing process.

In 2000 there were 173,383 settlement conferences set for hearing, 54,653 cases set for trial, and 8,195 expedited hearings held: a total of 228,940 formal hearings held before workers' compensation judges. In 2001, 179,441 conferences were set for hearing, 55,802 cases set for trial, and 9,693 expedited hearings held: a total of 244,936 formal hearings.

The district office judicial workload also changed. For example, beginning in 2000 and continuing in 2001, the number of original proposed settlements that open a case declined while the number of expedited hearings increased.

In 2000 some 146,575 closing decisions were made by workers' compensation judges, compared to the 147,731 closing decisions made in 1999. In 2001 closing decisions totaled 144,875. In both years about 92 percent of the cases were ultimately closed with a settlement approval.

Providing information to workers and others on workers' compensation issues

DWC information and assistance officers at district offices, headquarters and the division's statewide call center provide information on the rights, benefits and obligations under California's workers' compensation laws to workers, their employers, labor unions, insurance carriers, physicians, attorneys and other workers' compensation professionals.

This activity plays a major role in reducing litigation before workers' compensation judges, and information and assistance staff at district offices are often the first contact injured workers have with the division. DWC staff responded during 2000 to more than 466,934 phone calls, answered more than 17,868 letters from the public, and assisted another 31,788 injured workers in person. In 2001 staff responded to 405,504 phone calls, answered more than 18,194 letters and assisted another 27,948 people.

Their work is supplemented by a centralized toll-free telephone number with the capacity to receive multiple calls simultaneously. It handles approximately 240,000 calls per year. About two-thirds of the callers seek information on injured worker benefits and claims processes. Eleven percent request information on workers' compensation insurers, 9 percent on employer rights and responsibilities, 5 percent on medical care fees and information for providers, 5 percent on how to report fraud or complain about claims handling, and 3 percent on Workers'

RAND study: improving the workers' compensation judicial process

In late 2000 a research team from the RAND Institute for Civil Justice—under contract with the Commission on Health and Safety and Workers' Compensation and with the full support of DWC and the Workers' Compensation Appeals Board (WCAB)—began studying ways to improve the performance of the state's workers' compensation court system. In September 2001 RAND issued a preliminary report of its findings, which included recommendations for the WCAB adjudication of claims. The final report is due in 2002.

In the meantime, DWC is working to implement many of the recommendations. These include procedural changes to reduce the amount of time it takes for a case to move through the system, providing the necessary space and staffing at district offices, standardizing procedures among the offices, and handling the growing caseload along with the increasing complexity of cases that come before workers' compensation administrative law judges.

DWC and the WCAB are considering changes in their operations, such as new or revised regulations, policy and procedure changes and organizational modifications.

At <http://www.dir.ca.gov/wcjudicial.htm> the public can review and comment on these proposals via an online forum.



Worker education materials and workers' compensation training conferences

In response to legislative mandates, DWC staff produce pamphlets, fact sheets and guides for employees, including information on state and federal rights for people with disabilities. The division also published for employers an easy to read guide to the California workers' compensation system, and worked closely with the Commission on Health and Safety and Workers' Compensation to produce additional worker education materials. Most of this information is downloadable from DWC's Internet home page in English and Spanish.

Since 1993 DWC has hosted an annual conference to instruct workers' compensation professionals on regulatory and statutory changes that affect claims handling. The two-day event takes place at two locations and features courses on updated case law, audit procedures, new regulations, medical report writing, use of fee schedules, rehabilitation, and other changes occurring over the prior year. Partnered with the International Workers' Compensation Foundation, these educational events generally attract an attendance of more than 1,000 participants annually.

In June 2001 DWC hosted the highly successful 29th annual conference of the Western Association of Workers' Compensation Boards in San Diego. The division's administrative director was the organization's president that year. The educational event was well attended by representatives of state workers' compensation agencies throughout the western United States.

Compensation Appeals Board (WCAB) office locations.

Information and assistance officers in district offices also conduct workshops for injured workers and make presentations to outside interest groups about the California workers' compensation system. During 2000-2001 some 572 workshops and presentations were held.

Toward the end of 2001, DWC consolidated its planned three regional call centers into one statewide information services center located in San Bernardino. The division had opened its first call center there in November 1997 to expeditiously handle the large volume of daily phone calls to the district offices. By the beginning of 2001, that center was handling the routine calls made to all seven district offices in the region, nearly 250,000 calls per year.

The San Bernardino call center then began operating as the statewide DWC information center in August 2001. With extended office hours of 7 a.m. to 6 p.m., it handles the hundreds of thousands of routine calls made to district offices throughout the state. The center allows callers, many of whom are newly injured workers with questions, to reach a person who can help immediately—eliminating recorded messages, busy signals and long holds.

District office information and assistance staff are freed to assist callers when, for example, immediate access

to their records is required—and to help people directly at the counter, answer correspondence and assist workers' compensation judges.

Overseeing vocational rehabilitation for injured workers who are eligible

Permanently injured workers who are unable to work in their former jobs may be eligible for vocational rehabilitation benefits. DWC's workers' compensation rehabilitation staff determine the services needed to help injured workers return to gainful employment, and resolve disputes over rehabilitation benefits and services.

In 2000 the rehabilitation consultants opened 22,234 new cases involving either plans filed by injured employees unrepresented by an attorney or disputes to be resolved. Open cases totaled 60,300 during the year. In 2001 consultants opened 22,246 new cases and open cases totaled 62,318.

Of the plans within DWC authority, 4,275 were approved and 2,989 disapproved in 2000, 6,373 approved and 1,688 disapproved in 2001. During 2000, 4,299 employees returned to work after completing an approved plan, and 3,748 returned to work after plan completion in 2001. Services were terminated during the rehabilitation process in 549 cases in 2000 and 537 cases in 2001.

Another 16,000 plans filed during 2000 did not require DWC approval because an attorney represented the injured employee and the parties agreed on the plan. Approximately 12,000 plans filed during 2001 did not need DWC approval. About 4,000 employees returned to work with their at-injury employer in either a modified or alternative work capacity during 2000 and about 4,150 did so in 2001.

During 2000, rehabilitation consultants mediated a total of 23,411 disputes regarding vocational rehabilitation plans, while cases heard during 2001 totaled 23,541.

Vocational rehabilitation regulations added or revised during the past few years include:

- A cap placed on services and benefits of \$16,000 maximum per case
- A cap placed on rehabilitation counselor services of \$4,500 per case
- A one year cap placed on vocational rehabilitation maintenance allowance payments
- A limit established of one plan per qualified injured worker
- Job placement limited to 60 days—later revised to 90 days of direct placement services for employees whose plan consisted exclusively of their transferable skills
- Waiving vocational counselor services upon substantial progress

- Prohibiting the claims administrator or vocational counselor from referring a worker to services or a facility in which they have a proprietary interest
- Allowing no out-of-state services, unless by agreement of the parties or a determination that they are more cost effective.

Also in 2000 DWC adopted a new regulation regarding vocational feasibility: a procedure for identifying injured employees who are unable to benefit from the system, and delineating how they can return to the system.

Determining disability ratings for permanently disabled workers

DWC's disability evaluation raters calculate permanent disability ratings by assessing the physical and mental impairments resulting from an industrial injury or illness. Judges, injured workers, attorneys and claims administrators use these evaluations to provide permanent disability benefits.

The current method of administratively determining permanent disability relies on reports submitted by treating physicians or qualified medical evaluators (QMEs) certified by the Industrial Medical Council. Under this system DWC prepares summary ratings of permanent disability—most of which are for workers not represented by an attorney—within 20 days of receiving the required employer-employee forms and the physician's report.

When a case is before the WCAB, either party or the workers' compensation judge may request that a rater prepare a consultative rating of a medical-legal evaluation to help resolve the issues in the case, or the judge may request a formal rating based on the facts that were found during the course of the litigation.

During 2000, DWC raters received 39,591 requests for summary ratings, 70,507 requests for written consultations and 3,127 formal rating requests from judges. During 2001 they received 40,997 requests for summary ratings, 78,926 requests for written consultations and 2,817 requests for formal ratings.

Raters also helped parties to workers' compensation proceedings develop ratings by providing 17,603 oral consultations in 2000 and 18,662 in 2001.

A total of 113,225 ratings and consultations were performed during 2000 and 122,740 during 2001. About 60 percent of these were consultative ratings, 35 percent were unrepresented summary ratings, and the rest were formal ratings for judges.

Auditing claims administrator practices

DWC's audit program promotes prompt payment of workers' compensation benefits to injured workers by auditing insurance companies, self insured employers and third party administrators to ensure compliance with the Labor



Code and DWC regulations. Though most audit subjects are randomly selected, others are targeted because of the results of a prior audit or following an investigation of complaints received by DWC.

Auditors assess penalties when violations are found, and order that unpaid compensation be paid. Administrative penalties range from \$100 to a maximum of \$5,000 per violation. Audit regulations clarify claims administrator responsibilities and specify how factors are applied to determine the penalty amounts. An additional civil penalty of up to \$100,000 may be assessed if improper claims handling constitutes a business practice.

In late 1999 DWC established a special civil penalty investigation section within the audit unit to examine credible complaints and information received on claims practices for which assessment of a civil penalty may be warranted. As a result of audits conducted by this new section, the DWC administrative director assessed two civil penalties during 2000.

In one case a self insured recreational vehicle manufacturing company in southern California stipulated to a \$40,000 civil penalty assessment and agreed to improve its claims handling practices. In the second case, a third party administrator agreed to pay a \$100,000 civil penalty after an investigation found that as a business practice, the company did not pay required penalties and interest when uncontested medical bills were paid late. This company then coordinated training of its claims handlers on California workers' compensation law.

DWC Audit Unit Annual Summary 2000-2001

	2000	2001
Total audits completed:	54	49
Number of cases audited in completed audits:	8,921	8,749
Percentage of randomly selected claims with unpaid indemnity that was due and payable:	18.26%	20.32%
Average amount unpaid per case with unpaid compensation:	\$ 814	\$ 1,064
Total unpaid compensation:	\$ 454,869	\$ 778,073
Number of penalty assessments:	10,354	11,380
Amount of penalty assessments after mitigation:	\$ 1,524,470	\$ 1,793,065
Average total assessed per audit:	\$ 28,231	\$ 36,593
Percentage of randomly selected claims with TD payments in which first payment was late:	23.88%	29.47%

Paying UEF and SIF benefits

DWC authorizes payment of workers' compensation benefits to injured workers under two special programs.

Claims are paid from the Uninsured Employers Fund (UEF) when illegally uninsured employers fail to pay workers' compensation benefits awarded to their injured employees by the Workers' Compensation Appeals Board (WCAB). In 2000, 1,575 UEF cases were opened, and in 2001 the number of new cases rose to 1,669. Total benefits paid out during 2000 by the UEF were \$24,070,000, while in 2001 this amount was \$20,947,661.



The UEF receives revenue from uninsured employer recoveries and penalties, benefits returned to the UEF because they were unpayable, and benefits that were received by injured workers who subsequently became incarcerated and had no dependents. In 2000, collections by DIR legal staff came to \$5.4 million, and in 2001 the amount was \$3.4 million.

The Subsequent Injuries Fund (SIF) is a source of additional compensation to injured workers who already had a disability or impairment at the time of injury. For benefits to be paid from the SIF, the combined effect of the injury and the previous disability or impairment must result in permanent disability of at least 70 percent. Thus the fund enables employers to hire disabled workers without fear of being held liable for the effects of previous disabilities or impairments. SIF benefit checks are issued by the State Compensation Insurance Fund after an award is issued by the WCAB and upon DWC authorization.

There were 490 new SIF cases in 2000 and 302 cases in 2001. Benefit payments for 2000 totaled \$6.3 million, and nearly \$6.5 million for 2001. The SIF receives revenue from cases in which there are occupational fatalities without any payments to dependents. In 2000, DIR legal staff collected \$2.8 million from such sources, and in 2001 the amount came to \$4.6 million.

Administrative director activity

Under the California Labor Code, the DWC administrative director is responsible for:

Medical fee schedules for treatment or evaluation of work injuries

The Labor Code requires the administrative director to develop and biennially revise fee schedules used by treating physicians, hospitals, medical evaluators and other providers of health care services. Several revisions to the

hospital fee schedule adopted in 2001 concern inpatient services for workers' compensation patients. A new system reimburses hospitals for costs higher than normal and back surgeries involving implantable hardware and instrumentation. Minor technical revisions proposed in 2001 for the treating physician medical fee schedule and the medical-legal fee schedule for injury-evaluating physicians will complete the rulemaking process.

The required biennial revision of all fee schedules will occur in 2002. DWC is proposing major structural changes to the medical fee schedule, basing it on the resource-based relative value system used in the federal Medicare model instead of a separate and unique set of codes for medical procedures. Under this system California regulations would reference federal regulations and specify the ground rules, instructions and conversion factors when those procedures are performed in workers' compensation cases.

Ruling on petitions to change the employee's treating physician

DWC's legal staff review petitions requesting an administrative director's order to require an employee to change from a current treating physician to one designated by the employer. The majority of the petitions allege inadequate or untimely reporting by the treating physician. Many petitions also allege that the treatment provided is inappropriate or the treating physician is not within a reasonable distance of the employee's residence.

A total of 1,048 petitions were filed with the division in 2000, up from the 915 petitions filed in 1999. In 2001, 1,116 petitions were filed.

Ruling on requests for reconsideration of permanent disability ratings

Legal staff also review requests for reconsideration of summary ratings issued to unrepresented workers. A request can be made if either party disputes the medical evaluation report upon which the rating is based, or feels the rating was inaccurately calculated.

A total of 1,127 petitions for rating reconsideration were received and processed in 2000 and 1,025 in 2001, a significant decrease since the high point of more than 4,000 petitions in 1995. A total of 784 requests were denied, 228 were granted, and 711 were closed when cases went before the WCAB. In 2001, 596 requests were denied, 214 granted and 324 closed.

Managed care: Health Care Organization program

The workers' compensation Health Care Organization (HCO) program is designed to assure quality of care for injured workers and to help lower employers' workers' compensation costs by bringing managed care techniques into the workers' compensation field.

Workers' Compensation Information System (WCIS)

DWC has developed an electronic information system that provides a comprehensive overall view of the performance of the California workers' compensation system. The WCIS is based on national standards for electronic reporting of workers' compensation data.

Its design shaped by a broad-based advisory committee, the WCIS objectives are to help DWC manage the workers' compensation system efficiently and effectively, to facilitate evaluation of the benefit delivery system, to assist in measuring benefit adequacy, and to provide statistical data for further research.

Claims administrators began to voluntarily submit data for the WCIS in 1999. Mandated reporting began in 2000 with electronic submissions of first reports of injury in March, and in July they were required to begin submitting their subsequent reports: an electronic reporting of information contained in the notice sent to injured workers whenever benefits begin, end or are changed. Submission of medical reports was delayed, pending adoption of national standards, and will begin during this final development phase.

Standard electronic data on every California workers' compensation claim comprises the WCIS core. DWC already has extensive computerized files on adjudicated cases and on claims submitted for disability evaluation or review of vocational rehabilitation plans. Comparing these data with WCIS data can show differences between adjudicated and non-adjudicated cases.

The WCIS will also be used to conduct periodic surveys of injured workers, their employers and medical providers to supplement the standard data, and to address questions of policy.

Under this program, qualified medical provider organizations may apply to DWC for certification as an HCO. Once certified, they may contract with insurers and self insured employers to provide medical and disability management services to injured workers under California workers' compensation law. Employees must be offered a choice of at least two HCOs, and an open enrollment process is required—employees must also be given the option to pre-designate their own personal physician. Once enrolled in an HCO, those services and providers must be used for 90 to 365 days after an on-the-job injury or illness occurs.

The years 2000-2001 saw dramatic growth in the number of employees enrolled in HCO programs: from under 40,000 at the end of 1999 to approximately 230,000 at the beginning of 2002. Five new medical provider organizations were certified during 2000-2001, bringing the number of certified HCOs to 14 in California.

DWC's managed care program also monitors claims administrator compliance with the division's utilization review standards, a set of techniques often used by insurers and self insured employers to manage health care costs through assessing the appropriateness of care in individual cases. In July 2001 DWC issued a research brief,



Utilization Review in California's Workers' Compensation System, a preliminary evaluation of utilization review in California cases.

Funded by a grant received in 1999 from the national Robert Wood Johnson Foundation to begin planning a California Work Injury Resource Center aimed at improving the quality of medical care for injured workers, DWC's managed care program completed key research projects during 2000-2001:

- *Improving Quality of Care for Injured Workers in California*, synopsis of workshops held in May 2000
- *Minutes of the Workers' Compensation Health Care Ad Hoc Quality Improvement Task Force*, September 2000
- *Injured Worker Satisfaction with Care in a 24-hour Pilot Program*, December 2000
- *What Do Injured Workers Think About their Medical Care and Outcomes After Work Injury?*, research brief published July 2001
- *Improving the Quality of Care for Injured Workers in California: Focus Group Discussions*, November 2001.

DWC developed a survey method to gauge patient satisfaction for injured workers receiving medical care in the workers' compensation system. One of the first for this specific audience to be developed nationwide, the methodology can be used by HCOs, employers, claims administrators and medical care providers.

Construction industry carve-out program

DWC monitors and approves participation in unique labor-management programs in the construction industry known as carve-outs. These programs allow unions and contractors to establish in their collective bargaining agreements an alternative dispute resolution process for workers' compensation claims and an exclusive list of medical providers and examiners for injured workers.

By the end of 2001, the DWC administrative director issued letters of eligibility to the parties of 17 collective bargaining agreements. Five programs covered workers at construction projects that are now complete.

Six of the agreements are project labor agreements covering all the construction employees who work on the project at any time. These include two massive reservoir construction projects lasting several years, as well as large public works undertakings by Lawrence Livermore National Labs, the Metropolitan Water District of Southern California and the San Diego County Water Authority.

The other agreements are of two types: a single employer and a union engaged in construction, or a construction trade union and multiple employers all participating in a collective bargaining agreement. Building trades involved in these projects include electricians, painters, laborers, pipe trades and carpenters unions.

The 11 programs active at the beginning of 2000 covered approximately 12,400 employees. Two projects with carve-out programs were completed during 2000-2001, and four new agreements were declared eligible, bringing the total number of active programs at the end of 2001 to 13. Although it is still too early for any definitive conclusions, to date the construction carve-out projects seem to meet the main objectives of the program: reduced litigation and expedited dispute resolution.

On the Internet from DWC: <http://www.dir.ca.gov/dwc>

- information on recent legislation
- guides for injured workers and employers
- Q & A for questions frequently asked by injured workers, employers, claims administrators and service providers
- overview of California workers' compensation system
- information on DWC programs, office locations statewide
- forms, reports and publications
- links to Labor Code and Title 8 regulations, Department of Industrial Relations resources and other agencies

E-mail questions to DWC: dwc@dir.ca.gov

Workers' Compensation Appeals Board WCAB

Petitions for reconsideration of workers' compensation judge decisions

The Workers' Compensation Appeals Board is a seven-member board appointed by the governor with Senate consent and supported by staff within the Department of Industrial Relations. The WCAB reviews petitions for reconsideration of decisions issued by state workers' compensation administrative law judges. The WCAB also participates in appellate proceedings before the district courts of appeal and state supreme court, and regulates the adjudication process by adopting rules of practice and procedure.

The WCAB's written decisions serve as guidelines for the compensation community. The board renders en banc decisions—by all commissioners rather than a panel of three—in precedent-setting cases involving novel issues, thereby achieving uniformity of approach in determining cases involving the same issues.

During 2000 and 2001 the primary challenge for the WCAB remained dealing with issues arising from legislative reforms to California's workers' compensation system.

Guiding the workers' comp community

The WCAB received approximately 7,762 petitions—such as petitions for reconsideration, petitions for removal, petitions for disqualification—during 2000-2001. Written decisions are issued in response to all petitions. Additionally, a concerted and successful effort made in 2001 reduced the pending cases backlog by approximately 50 percent.

During 2000-2001 the WCAB continued its role of providing guidance to the compensation community through legal decisions and participating in educational conferences. Legal opinions covered the following:

- Unreasonable delay in payment of a Labor Code section 4650(d) penalty justifies a 10 percent unreasonable delay penalty under Labor Code section 5814 on an entire class of underlying disability indemnity. *Farris v. Industrial Wire Products, et al.*, 65 CCC 824.
- Under Labor Code section 4062.9, the presumption issue may be raised for the first time at a mandatory settlement conference or at trial, but not for the first time in a petition for reconsideration. *Davis v. Interim Healthcare, et al.*, 65 CCC 1039.
- A workers' compensation judge must apply the multi-level analyses under Labor Code section 3208.3 when a psychiatric injury is alleged and the defense of a lawful, non-discriminatory good faith personnel action is raised under Labor Code section 3208.3(h). *Rick Rolda v. Pitney Bowes, Inc., Permissibly Self-Insured*, 66 CCC 241.
- Filing a petition for reconsideration may be a sanctionable bad faith action or tactic under Labor Code section 5813, if the filing is done for an improper motive or is indisputably without merit, and with no reasonable justification. *Julie Garcia v. The Vons Company, Inc., Permissibly Self-Insured*, 66 CCC 362.
- While the 90-day period for claim rejection under Labor Code section 5402 begins when the employer receives the claim form, this 90-day period begins earlier if the employer breaches its duty to provide the required form material. A reasonable certainty standard is established for determining issues of alleged breach of duty to provide claim forms. *William Wagner v. Allied Signal Aerospace; Zurich American Insurance Co.*, 66 CCC 483.
- In a case submitted for decision after trial, the record of proceedings must contain, at a minimum, the issues submitted for decision, the admissions and stipulations of the parties, and the admitted evidence. *Maxine Hamilton v. Lockheed Corporation, et al.*, 66 CCC 473.
- Where there is an existing award for medical treatment, an injured worker is not required to follow the procedures set forth in Labor Code sections 4061 and 4062 before selecting a new primary treating physician. *Fred T. Hines v. New United Motors Manufacturing Inc., et al.*, 66 CCC 478.

On the Internet from WCAB: <http://www.dir.ca.gov/wcab>

- information on WCAB organization, function, procedure
- en banc and significant panel decisions
- cases pending in appellate grants
- links to Labor Code and WCAB regulations
- office locations statewide
- links to other Department of Industrial Relations resources

Industrial Medical Council IMC

Improving the quality of industrial medicine

The Industrial Medical Council is a 20-member council of health care professionals appointed by the governor and Legislature and supported by staff within the Department of Industrial Relations. The IMC regulates physicians, called qualified medical evaluators (QMEs), who examine injured workers, evaluate disability and write medical-legal reports.

The state workers' compensation system uses the reports to determine an injured worker's eligibility for workers' compensation benefits. QMEs include medical doctors, doctors of osteopathy, doctors of chiropractic, dentists, optometrists, podiatrists, psychologists and acupuncturists.

The IMC helps educate the candidates, administers the QME competency exam, certifies QMEs and conducts QME disciplinary proceedings. The council also provides unrepresented injured workers with a panel of three QMEs in a specialty of the worker's choice, regulates continuing education courses for QMEs, advises the administrative director of the Division of Workers' Compensation (DWC) on medical fee schedule issues, regulates advertising by QMEs and investigates complaints about QME misconduct.

During 2000-2001 the number of physicians serving as QMEs increased from 3,798 at the end of 2000 to 4,182 by the end of 2001—an 8.6 percent increase of physicians available to perform medical evaluations that in turn gives better geographic coverage and a broader range of specialties to injured workers.

The IMC adopts and revises treatment guidelines for industrial injuries and occupational diseases. Current guidelines cover treatment of low back problems, occupational asthma, contact dermatitis, post traumatic stress disorder, and injury to the knee, neck, shoulder, elbow, hand and wrist. These treatment guidelines are advisory, intended to assist workers' compensation health care providers in making medical treatment decisions.

Using the concept of continuous quality improvement, the council periodically reviews and updates the treatment guidelines to reflect current medical practices. Guideline text is on the IMC Web site, and available upon request to the IMC office.

Developing evaluation protocols

The Legislature directed the IMC to develop evaluation protocols that reflect generally accepted health care prac-

tices for evaluating common industrial injuries. The council's protocols evaluate cardiac, immunologic, psychiatric, neuromusculoskeletal and pulmonary disabilities. The IMC also issued policy statements on return to work and thermography, and is currently developing a protocol to evaluate disabilities to the cervical spine.

Improving QME report quality, tracking complaints

The IMC quality review of a QME medical-legal report first checks for 25 essential elements. The next level of review evaluates the physician's discussion of complex subjects such as apportionment and the subjective factors of disability. The third level of review evaluates the QME's adherence to the council's disability evaluation guideline for that type of report.

Depending on the outcome of the review, the IMC sends a letter to the physician who wrote the report, either to acknowledge passing the review or summarizing the report's deficiencies and directing the physician to use educational resources to improve reporting skills.

When a report contains ethical breaches or egregious reporting errors, it is sent to the IMC discipline section for further review. In 2000-2001 the IMC expanded the types of reports reviewed to include those by qualified medical examiners in represented cases and the reports of agreed medical examiners (AMEs). The council reviewed 1,000 reports in 2000 and 1,000 in 2001. Review results are on the IMC's Web page.

The IMC investigations unit uses the cross-disciplinary expertise of a supervising attorney, staff physician, investigator and support staff to investigate and resolve complaints. The council also maintains a toll-free complaint hotline. In 2000-2001, 703 complaints were logged into the complaint tracking database, 531 of them were resolved and 172 cases remain open. In 2000-2001, nine IMC investigation cases were referred to licensing boards or other agencies with jurisdiction over the QME: four QMEs were terminated, three placed on IMC probation, one voluntarily resigned and eight QMEs were suspended followed by probation. The council meets with other medical licensing agencies in the state to improve agency coordination in efforts to act against physicians engaged in illegal or harmful conduct.



Restructuring fee schedule, rulemaking

The IMC is working with the DWC to update ground rules for a major biennial revision of the official medical fee schedule, and restructuring to convert to the federal fee schedule. Building on a study for which it had contracted with the UCLA Center for Health Policy Research, the IMC sponsored a series of studies with the Lewin Group—a health care research firm experienced in studying financial aspects of the medical service delivery system—to evaluate issues surrounding adoption of the federal Resource-Based Relative Value Scale (RBRVS).

The first study by the Lewin Group analyzes the impact of a budget-neutral conversion to the RBRVS for medical specialties and medical service categories. It examines options for implementing the RBRVS, adopting geographic adjustment factors, and indexing the conversion factor to an appropriate economic indicator.

Two other studies will provide the data to determine whether the RBRVS should be modified for use in the state workers' compensation system. The first study will examine the difference between physician work for evaluation

and management codes in both workers' compensation and non-workers' compensation settings. A second proposed study would examine the difference in practice expenses for these codes.

After passage of **Assembly Bill 776** (Calderon) effective Jan. 1, 2001, the IMC undertook rulemaking to implement several requirements in the legislation. In response to the new requirement that QMEs take a course in medical-legal report writing before their appointment, the council specified curriculum for the courses and approval criteria for course providers. The IMC also served as a course provider in 2001. The council further amended its regulations to conform to AB 776 by modifying the forms used by QMEs.

Focusing on 2002-2003

In 2002 the IMC published its third edition of *The Physician's Guide to Medical Practice in the California Workers' Compensation System*, the well-received guide to the medical side of workers' compensation. The council will continue to produce new and revised evaluation and treatment guidelines as needed. The council also maintains its fax-on-demand system to make IMC forms easily available to the public, and offers most of the IMC publications and forms on its Web page.

On the Internet from IMC: <http://www.dir.ca.gov/imc>

- council meeting calendar, member and committee information
- Q & A: frequently asked questions by injured workers and physicians
- forms used by injured workers, QMEs, treating physicians
- checklist of required elements for QME and AME reports
- regulations governing QME appointments, reporting, conduct, advertising, discipline
- continuing medical education for QMEs: list of approved course providers
- The Physician's Guide to Medical Practice in the California Workers' Compensation System: concepts, terminology and regulations physicians need to know as medical-legal evaluators in workers' compensation
- Medical Examiner: IMC newsletter for QMEs
- protocols: full text of IMC guidelines for disability evaluation and treatment
- list of QMEs disciplined by the IMC

Self Insurance Plans SIP

Self insurance for workers' compensation

The Office of Self Insurance Plans, within DIR's Office of the Director, certifies employers who qualify to provide their own workers' compensation coverage. The director of industrial relations is responsible for certifying self insurers in the private and public sectors, individual claims adjusters, and third party claims adjusting agencies that oversee self insurance programs.

At the close of 2000, self insured employers totaled 317 in the private sector and 314 in the public sector. An additional 1,429 public agencies were self insured as affiliated members of 64 joint powers authorities that function as group self insurers. No similar group of self insurers

formed in the private sector, though private groups have been authorized since 1993. SIP also licensed 254 third party claims administration agencies to handle the claims of self insured employers.

During 2001, group self insurers began forming in the private sector for the first time. The first such application was approved for new-car dealers, effective Jan. 1, 2002.

At the end of 2000, about 3.4 million members of California's work force were covered by self insured workers' compensation. Of this total, some 2.1 million worked in private sector companies and about 1.3 million were employed by public agencies.

Private sector self insurers are required to post a security deposit, which is adjusted annually to cover their workers' compensation liabilities—and to submit to SIP audits, which are conducted on a three-year cycle to ensure that the liabilities were accurately reported for security deposit purposes. During 2000, 122 routine audits, four special and 35 revocation audits were conducted, finding a total of \$116 million in understated liabilities. From January through the end of 2001, 136 routine audits, four special and eight revocation audits were conducted, with a total of \$126.5 million in understated liabilities.

Twice a year SIP conducts examinations that are required for certifying individual claims adjusters to administer the claims of a self insured employer. In 2000-2001, 372 applicants tested for this examination; 210 applicants passed and were certified.

SIP intends to move forward with electronic filing for self insurers' annual reports, maintaining its own files as imaged records, and processing over the Internet the different application forms to become self insured.

Making regulatory changes

SIP adopted the following changes to the California Code of Regulations (CCR), effective 2001:

- Updated CCR, Title 8, section 15212 to add a requirement that surety companies issuing a surety bond for self insurance workers' compensation liabilities have a financial strength credit rating of "A" or better with Standard and Poor's Insurer Financial Service, or a "B+" or better with A.M. Best Company. This section also requires replacement of a surety bond security deposit if the ratings fall below the acceptable levels.



- Updated CCR, Title 8, section 15251 to abolish the requirement that a self insured employer with numerous adjusting locations file a consolidated annual report. This regulatory change simplified the process for employers by eliminating the need to add together individual reports from separate adjusting locations.
- Updated CCR, Title 8, section 15251(c)(2)(A)(3) to authorize a joint powers authority to submit one report for all its members, rather than each member, which simplifies the process, as they pool their liabilities and do not keep separate records for each member.
- Updated CCR, Title 8, section 15230 to increase revenue generated by the base fee portion of the assessment table by requiring each private self insurer to pay a higher annual license fee and adjusting location fee. This also requires a private self insurer that has their certificate revoked to continue paying the annual license fee for an additional three years to cover the cost of continued administration.
- Updated CCR, Title 8, section 15402.1 to delete the requirement that a self insurer's administrator submit an interim annual report if they leave their self insurance program to an authorized insurance carrier. This deletion will prevent self insurers and their administrators from filing an unnecessary document.

On the Internet from SIP: <http://www.dir.ca.gov/sip>

- general information about SIP
- rosters: private self insurers, public self insurers, third party claims administrators
- security deposit posting information: securities, letters of credit, surety bonds, cash in trust
- annual report forms
- application forms: to become self insured, for administrator's exam
- parental guarantee form
- corporate resolutions for: applicant to self insure, parental guarantee
- agreement of assumption and guarantee of workers' compensation
- request for interim certificate
- SIP regulations
- Labor Code statutes
- SIP audit summaries
- SIP rulemaking

E-mail questions to SIP: SIP@dir.ca.gov

Commission on Health & Safety & Workers' Compensation CHSWC

Workers' compensation and job injury/illness prevention studies

The Commission on Health and Safety and Workers' Compensation is an eight-member body appointed by the governor and Legislature and supported by staff within the Department of Industrial Relations. The commission examines California's workers' compensation system—as well as state programs to prevent industrial injuries and occupational diseases—recommends administrative or legislative changes to improve effectiveness, and studies workers' compensation and workplace safety and health programs in other states.

Since its inception during the early 1900s, California's workers' compensation system has been the subject of discussions and negotiations between California employers and employees. Legislation is periodically enacted to

address system difficulties, including agency performance.

CHSWC evaluations focus on workers' compensation medical delivery systems, permanent disability and return-to-work issues, Division of Workers' Compensation (DWC) judicial functions, and occupational health and safety concerns. **Assembly Bill 1681** (Canciamilla) amends Labor Code section 138.7 to give CHSWC access to workers' compensation data, while protecting claimant confidentiality, for the purpose of facilitating commission research.

Directing its efforts to identify and assess problems and to provide an empirical basis for recommendations and further investigations, CHSWC contracts with independent researchers to achieve objectivity along with a balance of viewpoints and the highest quality analysis.



Recommending workers' compensation policy changes

Reports issued from CHSWC-directed studies are listed in the DIR Publications section at the back of this 2000-2001 biennial report.

Through the CHSWC-RAND study of permanent disability and other aspects of the system, the commission and workers' compensation professionals ascertained that benefit levels for industrially injured workers have not kept pace with wage levels. The commission recommends a dual approach to reducing such wage loss:

- Promote return to work
- Consider workers' compensation benefit increases according to the Workers' Compensation Benefit

Simulation Model, now available in electronic format on a CD with instructions for its use.

To simplify and improve the California workers' compensation system, the commission further recommends the following, many of which have been adopted in the 2002 workers' compensation reform legislation:

- Reconsidering the treating physician presumption
- Revising the inpatient hospital fee schedule and structuring an outpatient surgery fee schedule
- Revising the workers' compensation pharmaceutical cost structure for potential savings
- Setting requirements for providing information to injured workers

- Improving the workers' compensation benefit notice program
- Eliminating the "baseball arbitration" provisions of Labor Code section 4065
- Clarifying Labor Code section 5814 on penalties for unreasonable delays
- Clarifying workers' compensation coverage liability for people in training programs.

The commission also recommends focusing on ways to maintain the integrity of the workers' compensation system:

- Continue the ongoing objective system evaluations
- Ensure that the system is solvent
- Combat fraud by any parties in the system
- Set requirements for identifying illegally uninsured employers and bring them into compliance
- Monitor workers' compensation benefit levels
- Revise the DWC workers' compensation audit function
- Continue improving the judicial functions of DWC and the Workers' Compensation Appeals Board
- Consider statutory time limitations on lien filings
- Consider new technology to support and manage office operations
- Improve DWC information delivery.

Emphasizing on-the-job health and safety

To protect worker safety and health and reduce the impact of industrial injury or occupational disease on workers and their families, CHSWC projects demonstrate commitment to workplace health and safety. The commission participates with the community in cooperative endeavors:

- Collaborating with the department and other agencies on developing the California Occupational Research Agenda (CORA), intended to guide the state's research on preventing workplace injuries and illnesses and reducing their impact on workers and the California economy
- Considering recommendations of the February 2001 California Forum on Workplace Health and Safety, at which more than 500 workers' compensation professionals, workers and employers participated in discussions and presentations about workplace injury prevention, safety, health and return-to-work.

CHSWC recommends the following forum suggestions:

- Increased emphasis on prevention benefits workers and employers by reducing job injuries and related costs

- Prevention strategies must take into account the changing economy and work force, sizes of businesses and industries
- Make job health and safety information easily accessible to everyone, including young and immigrant workers
- Labor and management are most effective when working together on their common goal of improving workplace health and safety
- Link health and safety research to real-world applications
- Clearer communication among employers, workers and providers improves return-to-work outcomes for injured workers and their employers
- Tax incentives for employers to promote health, safety and return-to-work programs will improve outcomes for workers and their employers.

CHSWC and the Department of Industrial Relations sponsor the California Resource Network for Young Workers' Health and Safety. Its Internet site at www.young-workers.org has information on workplace rights and responsibilities, work hours and job restrictions, hazards on the job and ways to prevent job injuries, fact sheets and ideas on how to work with others in the community to keep young workers healthy and safe on the job.

DIR and CHSWC are committed to providing young workers with education and resources concerning workplace health and safety, and to protecting them from harm by giving them lifelong job health and safety skills.

On the Internet from CHSWC: <http://www.dir.ca.gov/chswc>

- annual reports, 1994-1995 through 2000-2001
- workers' compensation study reports: audit function, "baseball arbitration," "carve-outs," costs and benefits, fraud, illegally uninsured employers, injured workers, Labor Code issues, medical-legal process, permanent disability, pharmaceutical costs, return to work, treating physician, vocational rehabilitation, young workers, workers' compensation and the California economy
- presentations at the California Forum for Workplace Health and Safety
- fact sheets: young worker, injured worker, general workers' compensation information
- video: Introduction to Workers' Compensation
- links to safety sites and educational institutions

E-mail questions to CHSWC:
CHSWC@hq.dir.ca.gov



statisticsandresearch

Division of Labor Statistics & Research DLSR

Division of Labor Statistics & Research **DLSR**

Labor information

The Division of Labor Statistics and Research—the department's oldest division, which began in 1883 as the California Bureau of Labor Statistics—conducts research and publishes information on economic, employment and workplace safety and health statistics.

DLSR conducts an annual survey of occupational injuries and illnesses in cooperation with the U.S. Bureau of Labor Statistics, and participates in federal research on work-related fatalities nationwide. The division also computes and publishes the California Consumer Price Index, which is statistically measured from regional reports of the U.S. Bureau of Labor Statistics.

The division's major aims are to provide information and statistics on economic and employment conditions in California. To this end, DLSR:

- Collects, compiles and disseminates information pertaining to work injuries, illnesses and fatalities in the state
- Determines and publishes prevailing wage rates for the construction industry in California public works projects, while promoting efficient use of public funds
- Conducts research on conditions of employment throughout the state.

DLSR is expanding its information offered on the department's Web site and streamlining the process for responding to public inquiries. Increased Internet access to resources can effectively reduce the response time on many kinds of inquiries, and this directly benefits the general public.

Prevailing wages

DLSR is responsible for determining the rate of prevailing wages on public works projects. The California Labor Code requires that the prevailing rate of per diem wages be paid to workers on public works projects costing more than \$1,000. The only exceptions are construction projects costing \$25,000 or less and alteration, demolition, repair or maintenance projects costing no more than \$15,000—in both cases, the awarding body must have an approved labor compliance program in place.

To determine prevailing wages, DLSR maintains files on collective bargaining agreements and conducts wage investigations. Staff routinely report construction industry wages to the director of industrial relations, who makes approxi-

mately 8,500 prevailing wage determinations per year.

Determinations are mailed to more than 7,000 unions, contractors, public agencies and other interested parties. Copies of the director's general prevailing wage determinations are available to the public free of charge, and posted on the DIR home page on the Internet.

DLSR also advises the director on legislative bills relating to public works, and with the director's office legal unit prepares determinations of coverage and of craft/classification jurisdiction that are issued project-by-project. DLSR adopted regulations pertaining to prevailing wages, wage determinations, petitions to review, volunteer labor and labor compliance programs.

Legislation affecting DLSR responsibilities

Public works and prevailing wages

Senate Bill 588 (Burton) allows certain federally authorized joint labor-management committees to bring civil actions against employers who fail to pay prevailing wages to their employees on public works projects. The bill also permits these labor-management committees to obtain copies of certified payroll records containing all required information except for specific information that must be obliterated by the awarding body or DIR supplying the copies.

Senate Bill 975 (Alarcon) clarifies that public works projects financed through California industrial development bonds must comply with Labor Code provisions for payment of prevailing wages, amends the Labor Code def-

Labor market statistics

California continued to create jobs: by the end of 2001, 189,600 new jobs, a 1.2 percent increase over the year 2000. The industry sectors of mining, construction, transportation and public utilities, wholesale and retail trade, finance, insurance and real estate, services and government posted gains of 217,800 jobs, while manufacturing and agriculture reported declines of 39,800 and 20,000 jobs respectively.

The construction sector produced 33,800 new jobs, accounting for about 16 percent of all the new jobs in 2001. The services and government sectors increased 1.3 percent and 2.7 percent respectively, a combined total of 123,400 new jobs. The Employment Development Department reported 34,700 new wholesale and retail trade jobs and 4,800 new jobs in transportation and public utilities.

Prices

The California Consumer Price Index continued to increase faster than the U.S. city average, as it has since 1998. The annual average increased 3.7 percent for all urban consumers in 2000 and 3.9 percent in 2001, while the U.S. city average increased 3.4 percent in 2000 and 2.8 percent in 2001.

According to the U.S. Department of Labor's Bureau of Statistics and Research, the Los Angeles-Riverside-Orange County Consolidated Statistical Metropolitan Area (CSMA) reported the lowest price increase for all items in California, posting an increase of 3.3 percent for 2001. An increase of 5.4 percent in the San Francisco-Oakland-San Jose CSMA offset this figure, raising the statewide increase to 3.9 percent.

Within the expenditure categories, the U.S. city average for medical care recorded the highest increase in 2000-2001, and medical care expenditures in California increased faster than the national average. In the Los Angeles-Riverside-Orange County CSMA the prices of medical care increased 5.3 percent, and in the San Francisco-Oakland-San Jose CSMA they increased 5.1 percent.

The San Francisco-Oakland-San Jose index for all items showed the largest increase in California, growing 5.4 percent during 2000-2001, of which the 9.9 percent increase in housing prices is the most noteworthy. Conversely, apparel expenditures nationwide and in California decreased, most markedly by 4.2 percent in the Los Angeles-Riverside-Orange County CSMA. For both the San Francisco-Oakland-San Jose and Los Angeles-Riverside-Orange County areas, spending on food and beverages, housing and medical care exceeded the U.S. city average, while Californians' spending on education and communication increased less than the national average.

inition of public works to include certain installation work and defines "paid for in whole or in part out of public funds." The bill also exempts from prevailing wage requirements certain private construction and residential housing projects, construction or rehabilitation of certain affordable housing financed with public funds, and from the definition of public funds certain state tax credits.

Senate Bill 1999 (Burton) provides that for the purpose of public works laws, construction includes work performed during the design and pre-construction phases, inspection and land surveying work.

Assembly Bill 1646 (Steinberg) revises administrative and judicial procedures for reviewing a decision to withhold funds from a contractor due to a determination by the labor commissioner or an awarding body that prevailing wages were not paid on a public works project.

Assembly Bill 2513 (Shelley) expands the law prohibiting debarred contractors from participating in public works projects to include other contractors or vendors in which the debarred contractor has any financial interest. This bill also requires publishing debarred contractors in construction publications at the expense of the debarred contractor.

Consumer Price Index: All Urban Consumers

Year	California Annual Average	Annual Percent Change	United States Annual Average	Annual Percent Change
1991	140.6	4.1%	136.2	4.2%
1992	145.6	3.6%	140.3	3.0%
1993	149.4	2.6%	144.5	3.0%
1994	151.5	1.4%	148.2	2.6%
1995	154.0	1.7%	152.4	2.8%
1996	157.1	2.0%	156.9	3.0%
1997	160.5	2.2%	160.5	2.3%
1998	163.7	2.0%	163.0	1.6%
1999	168.5	2.9%	166.6	2.2%
2000	174.8	3.7%	172.2	3.4%
2001	181.7	3.9%	177.1	2.8%

Source: Division of Labor Statistics & Research and U.S. Bureau of Labor Statistics

Annual Unemployment Rates

Year	United States	California	Differential
1991	6.8	7.5	0.7
1992	7.5	9.1	1.6
1993	6.9	9.2	2.3
1994	6.1	8.6	2.5
1995	5.6	7.8	2.2
1996	5.4	7.2	1.8
1997	4.9	6.3	1.4
1998	4.5	5.9	1.4
1999	4.2	5.2	1.0
2000	4.0	4.9	0.9
2001	4.8	5.3	0.5

Source: U.S. Bureau of Labor Statistics and Employment Development Department

Worker rights

Senate Bill 20 (Alarcon) requires retention of employees of janitorial or building maintenance services and subcontractors by a successor maintenance contractor for 60 days when the previous employer has lost the contract. This bill applies to employers with 25 or more employees and to service contracts awarded on or after Jan. 1, 2002.

Workers' compensation

Assembly Bill 1681 (Canciamilla) allows the Commission on Health and Safety and Workers' Compensation to use information on workers' compensation claims for research purposes.

Injury and illness statistics

Senate Bill 1272 (Ortiz) requires an employer of community health care workers to submit a report to DLSR of violence either threatened or committed against these workers.

State employees

Senate Bill 413 (Speier) makes changes to the California State Whistleblower Protection Act, which protects state employees who report improper governmental activities. This bill clarifies ambiguities between the different laws concerning whistleblowers and provides a mechanism by which the State Personnel Board can ensure that individuals who engage in improper governmental activities are disciplined for their misconduct.

Informing the public

DLSR continues its increasingly efficient delivery of statistical information to both the department and the public. The division organizes databases, tracks and monitors the internal and external information requests as they are submitted. Requests are responded to in a timely manner, resulting in increased productivity and better service.

DLSR posts and updates published information of a general nature on the department's Web site. By phone, written or electronic request, the division annually receives more than 60,000 prevailing wage inquiries. DLSR ensures that questions received via the Internet are responded to within 24 hours of receipt.

From the division's Web site interested parties can download consumer price index information such as the CPI calculator, historic data, and clarification for frequently asked questions. Also available are the director's prece-dential public works decisions and prevailing wage deter-minations, with their respective predetermined increases for the basic trades and pertinent contract provisions such as recognized holidays, scope of work, and travel and sub-sistence for all crafts.

Weekly wages

Average weekly earnings in communications and public utilities registered the rate of \$949.44 in 2001, a \$7.53 decrease from the previous year and \$24.44 increase over 1999.

The construction industry averaged \$851.55 in 2001, a \$16.33 weekly decrease from the 2000 average of \$867.88 and \$39.55 increase since the average weekly earnings of \$832 in 1999. Heavy construction posted the highest weekly wage of \$975.82, a decrease of \$35.64 from the previous year and increase of \$90.82 over 1999.

Average weekly earnings in 2001 also include \$601.88 in manufacturing and \$668.07 in wholesale trade. The retail trade sector posted average weekly earnings of \$348.55 in 2001, a \$4.89 increase over 2000 and \$21.55 increase over 1999. The mining industry showed average weekly earnings of \$874.42 in 2001, a decrease of \$10.19 from the 2000 weekly earnings of \$884.61 and \$38.42 increase over the 1999 weekly earnings of \$836.

On the Internet from DLSR: <http://www.dir.ca.gov/dlsr>

- director's general prevailing wage determinations, notices, corrections, modifications, interims
- holiday provisions for prevailing wage crafts/ classifications
- general prevailing wage apprentice schedules: basic trades by region, subtrades by county
- occupational injury and illness statistics
- California Consumer Price Index: frequently asked questions, DLSR contacts, consumer price index calculator, consumer price index historic data series
- Title 8 regulations

Consumer Price Index for All Urban Consumers by Expenditure Category: Annual Percent Changes (APC) 1999-2001

	Los Angeles, Riverside, Orange Counties		San Francisco, Oakland, San Jose		San Diego		U.S. City Average	
	1999-2000	2000-2001	1999-2000	2000-2001	1999-2000	2000-2001	1999-2000	2000-2001
All Items	3.3%	3.3%	4.5%	5.4%	5.8%	4.6%	3.4%	2.8%
Food and Beverages	2.2%	4.3%	2.5%	3.8%	1.6%	5.4%	2.3%	3.1%
Housing	3.8%	5.1%	6.1%	9.9%	6.9%	6.2%	3.5%	4.0%
Apparel	-1.0%	-4.2%	1.1%	-3.6%	-0.2%	-1.2%	-1.3%	-1.8%
Transportation	5.0%	0.7%	5.4%	0.4%	6.8%	1.5%	6.2%	0.7%
Medical Care	3.1%	5.3%	4.4%	5.1%	3.8%	4.4%	4.1%	4.6%
Recreation	2.6%	1.4%	-1.3%	-2.0%	13.6%	5.5%	1.3%	1.5%
Education and Communication	0.5%	1.8%	2.1%	1.2%	0.4%	1.9%	1.3%	2.6%
Other Goods and Services	4.2%	3.0%	4.2%	4.2%	5.3%	2.3%	5.0%	4.2%

Source: U.S. Department of Labor, Bureau of Labor Statistics

Number & Percent Distribution of Fatal Occupational Injuries:			California 1999-2000	
	1999		2000*	
	Number	Percent	Number	Percent
Total	602		553	
By Event or Exposure				
Assaults and violent acts	115	19.1%	112	20.3%
Homicides	76	12.6%	79	14.3%
Self-inflicted injury	35	5.8%	31	5.6%
Transportation accidents	264	43.9%	230	41.6%
Contact with objects and equipment	86	14.3%	69	12.5%
Falls	72	12.0%	71	12.8%
Exposure to harmful substances or environments	41	6.8%	60	10.8%
Fire and explosions	17	2.8%	9	1.6%
By Selected Worker Characteristics				
Employment status				
Wage and salary workers	510	84.7%	445	80.5%
Self employed**	92	15.3%	108	19.5%
Gender				
Men	560	93.0%	520	94.0%
Women	42	7.0%	33	6.0%
Age				
Under 25 years	76	12.6%	62	11.2%
25 to 54 years	397	65.9%	388	70.2%
55 years and older	129	21.4%	103	18.6%
Ethnicity				
White	491	81.6%	472	85.4%
Black	27	4.5%	24	4.3%
Asian or Pacific Islander	57	9.5%	46	8.3%
Other or unknown	27	4.5%	11	2.0%
By Occupation***				
Managerial and professional specialty	65	10.8%	57	10.3%
Technical, sales and administrative support	69	11.5%	86	15.6%
Service occupations	61	10.1%	45	8.1%
Farming, forestry, fishing	87	14.5%	79	14.3%
Precision production, craft, repair	94	15.6%	115	20.8%
Operators, fabricators, laborers	195	32.4%	157	28.4%
Military occupations	26	4.3%	13	2.4%
By Industry****				
Agriculture, forestry, fishing	93	15.4%	80	14.5%
Mining	--	--	4	0.7%
Construction	94	15.6%	95	17.2%
Manufacturing	62	10.3%	41	7.4%
Transportation and public utilities	92	15.3%	95	17.2%
Wholesale trade	18	3.0%	17	3.1%
Retail trade	56	9.3%	60	10.8%
Finance, insurance, real estate	11	1.8%	8	1.4%
Services	93	15.4%	100	18.1%
Government *****	79	13.1%	53	9.6%
<p>* Figures for 2000 are preliminary and will be updated as new cases are determined to be work related.</p> <p>** Includes paid and unpaid family workers--may include owners of incorporated businesses or members of partnerships.</p> <p>*** Based on 1990 Occupational Classification System developed by U.S. Bureau of the Census.</p> <p>****Based on Standard Industrial Classification Manual, 1987 edition.</p> <p>***** Includes fatalities to workers employed by government agencies regardless of industry.</p> <p>Notes: -- means not reportable due to data restrictions. Totals may include data for subcategories not shown separately. Percentages may not add up to totals due to rounding.</p> <p>Source: Division of Labor Statistics and Research with U.S. Bureau of Labor Statistics, Census of Fatal Occupational Injuries, 1999-2000.</p>				

Occupational Injury and Illness Incidence Rates Per 100 Full-time Employees by Industry in California: 1999-2000					
	Total Cases		Lost Workday Cases		Cases Without Lost Workdays
Industry	1999	2000	1999	2000	1999 2000
All Industries	6.3	6.5	3.1	3.3	3.2 3.2
Agriculture, Forestry, Fishing	6.6	6.8	3.2	4.4	3.5 2.4
Mining	4.5	--	2.7	--	1.8 --
Construction	8.9	9.4	5.0	5.5	3.9 3.9
Manufacturing	6.6	6.4	3.6	3.5	3.0 2.9
Transportation and Public Utilities	8.3	8.4	5.0	5.0	3.3 3.4
Wholesale Trade	5.1	6.1	2.6	3.2	2.4 2.9
Retail Trade	6.5	6.1	3.0	2.8	3.5 3.2
Finance, Insurance, Real Estate	3.1	3.1	1.4	1.5	1.7 1.6
Services	5.1	5.5	2.3	2.7	2.8 2.8
State and Local Governments	8.7	9.0	3.7	3.6	4.9 5.4

Note: -- means not reportable due to data restrictions.
Source: Division of Labor Statistics and Research with U.S. Bureau of Labor Statistics, Survey of Occupational Injuries and Illnesses

California Labor Market Data			
	Annual Average 2000	Annual Average 2001	Percent Change 2000-2001
Civilian Labor Force	17,090,800	17,362,200	1.6%
Total Employment	16,245,600	16,435,200	1.2%
Total Unemployment	845,200	927,100	9.7%
Nonagricultural Wage/Salary Workers	14,518,600	14,696,600	1.2%
Mining	23,300	24,100	3.4%
Construction	733,600	767,400	4.6%
Manufacturing	1,944,200	1,904,400	-2.0%
Transportation & Public Utilities	745,600	750,400	0.6%
Trade	3,300,800	3,335,500	1.1%
Finance, Insurance, Real Estate	823,200	843,500	2.5%
Services	4,626,800	4,688,400	1.3%
Government	2,321,200	2,383,000	2.7%
Agricultural Wage/Salary Workers	408,000	388,000	-4.9%

Source: Employment Development Department



mediationandconciliation

State Mediation & Conciliation Service SMCS

State Mediation & Conciliation Service **SMCS**

Labor-management disputes

The State Mediation and Conciliation Service mediates labor-management disputes throughout California, primarily in the public sector. Skilled mediators assist labor and management in settling contract disputes in public schools, higher education institutions, cities, counties, special districts, the agriculture industry, public transit and state service.

Settling contract disputes

Assistance of a state mediator at the appropriate juncture in difficult negotiations can often shorten or even avert a strike. During fiscal years 1999-2000 and 2000-2001, state mediators helped settle nearly 1,000 contract disputes statewide.

State mediators assisted the parties in achieving settlements at many agencies having significant impact on the public, including the Bay Area Rapid Transit District, Los Angeles County, and hundreds of school districts.

Mediating grievances

SMCS provides grievance mediation services in the public and private sectors. Grievance mediation allows employers and unions to resolve their grievances quickly and inexpensively in mediation, thereby avoiding the uncertain outcomes associated with arbitration or litigation. In fiscal years 1999-2000 and 2000-2001, state mediators handled more than 1,200 grievance disputes, the vast majority of which were settled during the mediation process.

In addition, SMCS met its goal of increasing by 5 percent the number of public agencies opting to use grievance mediation during 2001.

Improving the arbitration program

SMCS maintains a panel of neutrals for referral to labor and management practitioners proceeding to arbitration. During fiscal years 1999-2000 and 2000-2001, SMCS referred arbitrators for 1,421 disputes.

Effective July 1, 2000, SMCS implemented a new computer program, the Panel of Arbitrators Selection System (PASS), which improved the SMCS' ability to generate arbitration lists and track the acceptability of arbitrators. The program also allows the parties to request arbitrators with specific types of experience or qualifications.

SMCS is drafting regulations to govern administration of its arbitrator referral program.

Providing representation and election services

SMCS has historically conducted representation, agency shop and other elections for public agencies and employee organizations on a voluntary basis. **Senate Bill 739** (Solis),

implemented Jan. 1, 2001, gave SMCS responsibility for conducting agency shop elections in cities, counties and special districts even in the absence of a negotiated agreement. Effective Jan. 1, 2002, **Assembly Bill 471** (Hertzberg) gives SMCS new responsibilities for conducting representation elections for backstretch workers at horse racing tracks.

SMCS conducted 320 election cases during the last two fiscal years.

Providing bargaining training and facilitation

SMCS is mandated to promote sound union-employer relationships throughout the state. To achieve that objective, state mediators prepared and presented a number of labor relations and collective bargaining training programs during the last two years. Participants included the University of California, Monterey County, Washington Hospital, Service Employees International Union, American Federation of State, County and Municipal Employees, the United Auto Workers and the California Nurses Association.

Training programs cover introductory collective bargaining and interest-based bargaining methods. Mediators also facilitate negotiations when the parties encounter difficulties in using interest-based processes.

Streamlining administration

SMCS has consolidated its administration and now operates two regional offices in San Francisco and Los Angeles. Effective July 1, 2001, SMCS implemented a new case management system to assist in tracking mediation assignments. Mediators now make their reports online, which increases efficiency of assigning, scheduling and reporting mediation cases.

On the Internet from SMCS:
<http://www.dir.ca.gov/csmcs>

- office locations and mediators
- information on becoming a state mediator
- arbitration referral system: how to request an arbitration list, arbitrator resume form and applicants for panel membership, list of arbitrators and published awards
- forms and procedures for agency shop elections

E-mail questions to SMCS:
SMCSInfo@dir.ca.gov

Office of the Director

Public Information

The public information office operates as DIR's press office and information center for the public. It issues news releases, responds to media inquiries as well as written and telephone requests from the public, and provides editorial services to some of DIR's programs.

Expanding communications

Over the last two years, the public information office has increased DIR print communications with the public with development of a newsletter and promotional materials from the Division of Apprenticeship Standards aimed at California youth and educators, and the quarterly *California Labor Commissioner Bulletin* for California workers and employers. The office initiated bookmarks about workplace safety and health for Safe Jobs for Youth Month in May 2001 that were distributed to high school students, pre-apprenticeship and apprenticeship programs. Some of these materials won first and second place in the Governor's Office for Innovation in Government's first annual Clarity Awards contest.

The public information office also distributed news releases and articles about young worker safety that were picked up by media throughout the state, including newsletters produced by associations such as the California Chamber of Commerce. In addition, the office collaborated with worker advocates to produce basic and multilingual workers' rights leaflets and generate articles about the department's services in the ethnic press.

Rosie apprenticeship fair

In 2001 the office organized an apprenticeship fair at the Rosie the Riveter World War II Home Front National Historical Park in Richmond that drew more than 600 high school students from the area. The fair featured "Rosies," women who left their kitchens for the shipyards to work as welders, riveters and drafters during World War II, the premiere of a documentary about the Rosies, guided tours of the monument and at least 20 apprenticeship program representatives who distributed information and demonstrated their craft.

Tradeswomen employed as ironworkers, pipefitters, operating engineers, surveyors, carpenters, sheet metal workers, electricians and culinary apprentices were honored with a gubernatorial proclamation and personalized letters from the governor. The public information office is completing a tool kit aimed at supporting apprenticeship programs throughout the state to host a Rosie apprenticeship fair in their areas.

DIR at Work video

The public information office co-produced *DIR at Work*, the first video orientation for new employees created by the department since the mid-1980s. The video highlights

employees of DIR divisions doing their jobs in the field, in the office and at their public counters.

Work it out Internet portal

In 2001 the public information and information systems offices collaborated on developing a workers' portal, called *Work it out*. The portal's structure—unlike the department's main Web site, which also is undergoing redesign—is based on the different phases of a worker's life. DIR information is reorganized according to workers' needs. For example, apprenticeship information is contained in a section called "Looking for a job," and information about workers' compensation is in a section called "Injured on the job." Frequently asked questions about the minimum wage, overtime, paychecks, bloodborne pathogens, a Cal/OSHA workplace inspection and protective equipment are featured in a section called "Currently working."

The portal features e-cards to allow visitors to inform their family, friends and coworkers about the site and workplace rights, and a survey to help the department evaluate the portal's effectiveness. While DIR needs to expand translation of its print and electronic materials, *Work it out* allows direct links to Spanish-language materials from its home page, a clear improvement and model for the department's main site.

Legislative

In the director's Sacramento office, DIR's legislative affairs unit serves as a liaison between the department, the Legislature and the public. Staff review more than 3,000 bills introduced annually in the Legislature to identify those that affect DIR programs, represent the department at legislative hearings, and respond to legislative members' requests on behalf of their constituents.

The annual legislative summary is posted on the DIR Web site at <http://www.dir.ca.gov>.

Management Relations

Working from the DIR Los Angeles office, the deputy director, management relations develops and implements programs statewide that educate and increase California employers' awareness of and compliance with state labor laws and regulations. The deputy director acts as a liaison for small businesses, reporting their concerns and recommendations to the director or division chiefs.

The deputy provides technical advice to the division chiefs and assists small businesses in identifying barriers, problems and questions. Within the department, the deputy monitors the department's procurement and contracting activities with small businesses and veterans with disabilities, and assists the director in other special projects that involve California employers.

Legal Counsel

DIR legal counsel advise the director and program managers on a variety of matters, including department personnel, prevailing wages, apprenticeship standards, self insurance plans, mediation and conciliation, legislation and general litigation involving the department and director. The director's legal counsel appear in state and federal court and before administrative tribunals such as the State Personnel Board, Department of Personnel Administration and Workers' Compensation Appeals Board (WCAB).

Illegally uninsured employers

DIR's Division of Workers' Compensation (DWC) administers the Uninsured Employers Fund (UEF), which pays injured workers whose employers were illegally uninsured for workers' compensation (see DWC section of this report). Injured workers negotiate claims with DWC staff, and DIR attorneys appear daily before the WCAB. UEF attorneys focus on employer compliance with the legal requirement to provide workers' compensation: through increasing collection efforts, challenging employers who seek the protection of federal bankruptcy law, targeting uninsured employers' licenses and coordinating with the Division of Labor Standards Enforcement (DLSE) to shut down uninsured workplaces.

DIR encourages uninsured employers to take responsibility for on-the-job injury claims, pointing out that they may avoid large penalties and property attachments by paying the injured worker directly. This causes more employers to address the employee's claim directly, or contest their insurance company's coverage denials, and finally to pay the injured worker what the WCAB would award. UEF is driving a trend to get employers to participate and pay, as well as to reverse insurance companies' unjustified denials of coverage. The injured worker is paid directly, fairly and quickly, which also means taxpayer savings.

Employers sometimes try to use the federal bankruptcy courts as a refuge from their UEF debts. Relying on a 1996 federal court of appeals decision applicable to Arizona, the legal unit began challenging the right of employers to shield themselves in bankruptcy. The legal unit won a federal court decision finding an illegally uninsured employer's debt to the UEF is a nondischargeable excise tax, a decision which is now pending before the federal court of appeals. Efforts from 1999 to 2001 kept employers from having federal courts erase more than \$10 million in debts to the UEF, and resulted in the collection of more than a half million dollars.

The legal unit checks whether the employer is in business without workers' compensation insurance. Employers who continue to operate illegally are cited by DLSE. Referrals result in citations and stop orders that close the employer's business until there is insurance, and DLSE inspectors often find other labor law violations such as failure to pay wages or provide employees with pay stubs.

The legal unit gives training to workers' compensation judges and attorneys who represent both injured workers

and employers to smooth their way through the WCAB procedures for law-abiding employers who have insurance. Shorter training programs are given to local county bar associations and applicant attorney groups on how to navigate their cases of uninsurance toward prompt conclusion.

Equal Employment Opportunity

In May 2001 DIR established an equal employment opportunity (EEO) office at the San Francisco headquarters. Plans are for DIR offices statewide to have trained EEO counselors on site.

Staff investigate discrimination complaints, provide reasonable accommodation to employees who need it, facilitate an upward mobility program and a disabled advisory committee, recruit and train EEO counselors, and certify bilingual employees to serve as translators when needed.

In addition to keeping employees informed of their rights, EEO staff respond to requests from the State Personnel Board for information on hiring goals and active discrimination cases, and work with the California Department of Fair Employment and Housing and the federal Equal Employment Opportunity Commission regarding employee complaints filed with these organizations. Though this office works closely with DIR's legal, personnel and labor relations offices, it answers solely to DIR's director.

Information Systems

DIR entered the new millennium with all systems successfully transitioned to the year 2000, thanks to the preparatory work and monitoring by staff of the information systems office. DIR information systems staff oversee and maintain the department's automated information systems, networks and telecommunications, and procure hardware and software for information management. The office operates online computing systems, provides training and technical support for DIR offices statewide, and manages the department's Internet and intranet sites. Staff initiated and completed new information technology projects to benefit the department:

- **DAS database.** This system tracks apprenticeship information for the California apprenticeship program. Used to enter and update apprentices, agreements, proposed and approved standards and employer information, the system tracks apprentices from entry to completion of their programs and records apprentice-related public works information. It provides current information to DAS staff statewide and generates management reports.
- **Pressure vessel tracking system.** This database houses and updates inspection and invoicing records for the DOSH pressure vessel unit. Air tanks, liquefied petroleum tanks and steam boilers are inspected by DOSH as well as insurance company inspectors. Invoices, notices of unpaid invoices, permits to operate and notices of unsafe conditions are mailed via a data-mailer.

- Monitoring and maintaining DIR systems security. This has become a full-time project for the information systems office.
- Implementing the legislatively-mandated DWC Workers' Compensation Information System. This system allows workers' compensation insurers to

submit via electronic data transfer their first and subsequent reports of injury.

The department's direction is toward e-government and giving Californians the ability to transact all business with DIR over the Internet.

Division of Administration

Accounting

The accounting office staff perform the standard functions of contract control, general ledger, claim schedule processing, plans of financial adjustment, revolving fund, property accounting, disbursement and expenditure accounting, receipt and fund accounting. The office also performs the fiscally sensitive activities of collections, cost and grant accounting, cash management, reimbursement control, systems design, trust accounting, federal grant management, fiscal control, reconciliation and reporting.

While most state agencies have only the general fund and one or two special funds, DIR's accounting office is responsible for the general fund and 22 special funds including 40 revenue accounts. The office processes more than \$250 million in payments and receipts annually. In addition, the accounting staff process and report collections of more than \$30 million per year in fraud assessments on behalf of the California Department of Insurance. Typically, DIR operating programs generate \$53 million, which the accounting office collects and remits annually. For fiscal year 2000 DIR collected an aggregate of \$68 million for state operations.

Assembly Bill 1127, which rescinded exemption of government agencies from Cal/OSHA civil penalties, went into effect January 2000. Subsequently the Cal/OSHA uncontested receivables increased from \$5.5 million in 1999 to \$7.3 million in fiscal year 2000. Annual collections from Cal/OSHA also rose by \$1.6 million.

Assembly Bill 633, which created the Garment Industry Regulation Fund, brought in \$808,000 for fiscal year 2000. Enforcement of the permanent amusement rides program of **Assembly Bill 850** is also expected to generate increased state revenues.

Accounting reports from DIR offices statewide and for specific programs must be verified by the department's central accounting office, which is responsible for the accuracy of the reports. Subsidiary systems unique to DIR accommodate operational requirements of the divisions

and programs, as well as the accounting processes to track all accounts receivable.

The accounting office staff prepare financial reports on the results of DIR's fiscal operations. For fiscal years 1998-1999 and 1999-2000, the office received a total of 11 awards from the state controller for achieving excellence in financial reporting.

Budget

The budget office is responsible for developing and maintaining DIR's annual budget. Staff monitor and project expenditures for the DIR programs. They confirm fund availability for purchase and contract encumbrances, and form 607 position transactions. Budget staff monitor the use of funds to ensure conformity with appropriation limits and funding priorities of the governor and Legislature.

Budget staff prepare DIR's section of the annual governor's budget publication, including all related forms and supplemental schedules required by the Department of Finance and other control agencies. Expenditure authorizations are reported and developed for past, current and budget years. Fund conditions are reconciled for governmental cost funds controlled by DIR. Language is developed for inclusion in the governor's budget and pending budget bill.

The budget office coordinates development and submittal of budget change proposals by the division/unit programs, and staff assist in determining the funding requirements for carrying out administration initiatives and new legislation.

Business management

Responsible for providing to DIR divisions and units the support that enables them to efficiently deliver their services to Californians, the business management section covers procurement, property and recycling, inhouse printing and reproduction, mail services and warehousing, contracts and facilities.

Procurement staff process orders and requests submitted by the divisions. In fiscal year 2000-2001 DIR placed approximately 3,000 purchase orders through this unit for items and services necessary to program operations. The unit also maintains the Department of General Services charge card records for all DIR employees.

Government Code 14835.5 originally allowed state agencies to contract with California-certified small businesses for goods, services and information technology under \$50,000—after obtaining two price quotes from such businesses and awarding the contract to one of them. Effective Jan. 1, 2001, the limit was changed to under \$100,000. Recent legislation now permits state agencies to do the same with disabled veteran business enterprises. DIR is also working to implement two executive orders which require state agencies to increase their participation level with small businesses to at least 25 percent and with disabled veteran business enterprises to at least 3 percent of total contracting expenditures.

The property unit handles all property transfers and survey reports, and assists in maintenance of DIR's equipment inventory. Staff also prepare the annual State Agency Buy Recycled Report. California law requires all state agencies to purchase recycled content products. DIR reported on 11 categories and was awarded a certificate of recognition in fiscal year 1999-2000 for meeting and exceeding its goals.

The new short form contract process was implemented in early 2001. Applying to all businesses and providing for expedited advertising and bidding, the short form process uses an informal bidding method with shortened advertising period and allows signed bid responses to be transmitted by fax, U.S. mail or personal delivery. DIR processed approximately 150 short form contracts in this manner, and for fiscal year 2000-2001 contracted over \$7.6 million for standard and interagency contracts.

Personnel

The personnel office provides advisory and support services to department staff statewide, facilitating personnel actions and employee relations matters according to state regulations. Ongoing activities include administering the state's classification plan and decentralized civil service exam program, preparing notices of formal disciplinary actions and other actions affecting employee status, and processing personnel employment and benefit transactions.

The personnel office responds to policy changes affecting the way the state does business. For example, legislation amending the Labor Code mandates that the state pay separating employees their salary plus accumulated vacation/annual leave within 72 hours of separation or incur a penalty and fine for the delay. The personnel office worked closely with the divisions and units to facilitate these procedures, keeping fines and penalties at a minimum.

The personnel office administers a number of decentralized examinations for the department to make sure the

supervisors and managers have adequate certification lists to meet their staffing needs. For several classifications that are used throughout DIR, the office administers those exams on a continuous-filing basis to ensure a current list when the need arises to fill staffing vacancies.

New services

During 2000-2001 the department began providing DIR employees with ergonomics, labor relations and return-to-work services.

The ergonomics lab was created in 2001 at San Francisco headquarters to help employees with desk and chair adjustments, trying out computer tools such as track balls, different types of keyboards, document holders and other features. In the lab employees use fully functioning work stations to sample different ergonomic approaches. The lab is part of DIR's pilot ergonomics program of training employees, evaluating work sites and making work station changes.

Primary functions of the labor relations office are to assist managers, supervisors and employees in employee relations matters of grievance and complaint resolution, contract interpretation, and policy development or modification. Staff handle contacts between DIR and the unions representing its employees, and participate in the statewide collective bargaining process when contracts are negotiated. Recently the office negotiated a departmental policy on alternate and modified work schedules with representatives of DIR bargaining units. They also keep employees informed of developments regarding employee benefits and contract negotiations.

The department workers' compensation claims/return-to-work unit is responsible for reducing DIR's workers' compensation costs through effective claims management. Working with injured employees, supervisors, physicians and vocational rehabilitation staff, the unit promotes early return to work and helps DIR employees and supervisors develop modified work plans to accommodate disabilities. They train managers and supervisors in workers' compensation and assist in resolving claims settlement disputes. They also provide information, claims forms, job descriptions for the State Compensation Insurance Fund on behalf of employees who incur job-related injuries, and coordinate appropriate and timely provision of benefits.

DIR participated in renegotiating the contract between State Fund and state agencies for workers' comp claims adjusting. The new contract should provide DIR greater access to State Fund legal staff and promote more effective claims review with State Fund adjusters.

Legislation effective in January 2001 mandates civil rights protection to people with disabilities and expands the obligation of employers to accommodate medical restrictions. The legislative intent affirmed the importance of interaction between employer and employee to determine reasonable accommodation.

DIR Publications

Except where a fee per copy is stated, publications are free of charge.

Make check or money order payable to:
Department of Industrial Relations

Visit the DIR Web site at
<http://www.dir.ca.gov> under publications
in each division, commission, board,
office, service or council—or phone
415-703-5070 or mail your request to:

Department of Industrial Relations
Public Information Office
P.O. Box 420603 • San Francisco,
CA 94142-0603

DIR posters required of California employers

Phone 415-703-5070 for:

- *Safety and Health Protection on the Job*—Cal/OSHA poster—English, Spanish
- *Pay Day Notice*—poster DLSE-8
- *Industrial Welfare Commission Orders*—request applicable industry/occupation poster

Office of the Director

- *California Department of Industrial Relations (DIR) 2000-2001 Biennial Report*

Division of Labor Standards Enforcement

- *Child Labor Law Manual 2000*
- *Laws Relating to the Time, Manner, and Payment of Wages*
- *Policies and Procedures for Wage Claim Processing*
- *Discrimination Complaints: A Summary of Procedures*
- *Summary of Basic California and Federal Employment Requirements for Garment Industry Employers*
- *Enforcement Policies and Interpretations Manual, October 1998* (\$100.00 per copy + \$10.00 shipping)
- *California Labor Commissioner Bulletin* newsletter

Division of Occupational Safety & Health

- *User's Guide to Cal/OSHA*
- *On-site Cal/OSHA Consultation*
- *Guide to Developing Your Workplace Injury & Illness Prevention Program*
- *Workplace Injury & Illness Prevention Model Programs:*
 - *For High Hazard Employers*
 - *For Non-high Hazard Employers*
 - *For Employers with Intermittent Workers*—English, Spanish

- *For Intermittent Workers in Agriculture*—English, Spanish
- *Cal/OSHA Permit, Registration, Certification, and Notification Requirements*
- *Guide to the California Hazard Communication Regulation*
- *High Hazard Employer Program*
- *Cal/Voluntary Protection Program*
- *Cal/OSHA Guide for the Construction Industry*
- *Fall Protection for the Construction Industry*
- *Farm Labor Contractor Safety and Health Guide*—English, Spanish
- *Field Sanitation Guide to Compliance*
- *Agricultural Safety & Health Inspection Project*—English, Spanish
- *Job Safety: What You Should Know*—English, Spanish, Tagalog, Chinese, Korean, Vietnamese
- *Don't Risk Your Health!*—bloodborne pathogens—English, Spanish, Tagalog, Chinese, Korean, Vietnamese
- *Exposure Control Plan for Bloodborne Pathogens*
- *Best Practices Approach to Reducing Bloodborne Pathogens*
- *Lockout/Blockout Methods and Sample Procedures*—English, Spanish
- *Is it Safe to Enter a Confined Space?* Confined Space Guide
- *Respiratory Protection Guide*
- *Easy Ergonomics: A Practical Approach for Improving the Workplace*
- *Fitting the Task to the Person*—ergonomics for the very small business
- *Four Step Ergonomics Program for Employers with Computer Workstations*
- *A Back Injury Prevention Guide for Health Care Providers*
- *Managing Stress Arising from Work*
- *Cal/OSHA Guidelines for Workplace Security*
- *Model Injury & Illness Prevention Program for Workplace Security*
- *Guidelines for Security and Safety of Health Care and Community Service Workers*
- *Reducing Workplace Risks for Anthrax Exposures to Mail Handlers*
- *Fact sheets:*
 - *Revised Respirator Regulation*
 - *Lead in Construction*
 - *Safety Needles & Needleless Systems*
 - *Field Sanitation*
- *Tailgate/Toolbox Topics:*
 - *Setting Up a Tailgate/Toolbox Safety Meeting*
 - *Roofing Safety: General Requirements*
 - *Roofing Safety: Slips and Falls*
 - *Power Press Safety*

- *High Voltage Overhead Lines*
- *Lockout/Blockout*
- *Trenching Safety*
- *Servicing Single, Split Rim & Multi-piece Rims or Wheels*
- *Posters:*
 - *Agricultural Safety & Health*—English, Spanish
 - *Agricultural-Industrial Tractors*—English, Spanish
 - *Construction Safety & Health*
 - *Operating Rules for Industrial Trucks*—English, Spanish
 - *Access to Medical and Exposure Records*—English, Spanish
 - *Emergency telephone numbers*

Occupational Safety & Health Standards Board

- Notice of public hearings that include proposed regulations and supporting documentation (interested parties can request to be automatically mailed these monthly notices)
- Monthly calendar of activities that includes a schedule of upcoming advisory committees
- Annual rulemaking calendar
- Advisory committee guidelines
- Proposed variance decisions
- Variance application and procedure guidance
- Petition process fact sheet
- *Role and Responsibility of the Standards Board*

Occupational Safety & Health Appeals Board

- *Appeal Information for the Occupational Safety and Health Appeals Board*

Division of Apprenticeship Standards

- *Characteristics of Registered Apprentices in California*
- *List of Apprenticeship Occupations and Number of Apprentices Registered by the State of California*
- *The Apprenticeship Law in California*
- *Excerpts: California Code of Regulations, California Apprenticeship Council*
- *Apprenticeship, California's Best Kept Secret*—video with bulletin board materials
- *The Apprentice* newsletter
- *Opportunity is Knocking* brochure and posters
- *Orientation to Apprenticeship: A Guide for Educators*—School-to-Career/Apprenticeship

Division of Workers' Compensation

- *An Employer's Guide to Workers' Compensation in California*

- *The Injured Worker* pamphlet
- *Trabajadores con Lesiones* pamphlet
- Information and Assistance Unit's Injured Worker Guides—English, Spanish:
 - *How to File a Claim Form*
 - *How to Dismiss Your Attorney*
 - *How to File a Complaint with the Audit Unit*
 - *How to Request a Qualified Medical Evaluation*
 - *How to File a Petition for Commutation*
 - *How to File a Petition for Reconsideration*
 - *How to File a Declaration of Readiness to Proceed*
 - *How to File a Rehabilitation Appeal*
 - *How to File a Serious & Willful Misconduct Petition*
 - *How to File an Application for Adjudication of Claim*
 - *How to File a Petition for Discrimination—Labor Code 132a*
 - *How to File a Petition to Reopen*
 - *How to Object to Your Summary Rating*
 - *How to File a Lien*

- *Help in Returning to Work—'94*
- *Annual Report of Audit Findings*
- *The Construction Industry Carve-out Program Annual Report of Activities*
- *Benefit Notice Manual, Forms and Fact Sheets*
- *Managed Care in California's Workers' Compensation System*
- *California Standards Governing Timeliness and Quality of Vocational Rehabilitation Services*
- *Rehabilitation Unit Administrative Guidelines*
- *Rehabilitation Unit Directory and Venue List*
- *Waiver to Qualified Rehabilitation Representative Services* information sheet

The following publications are available for purchase from the Department of General Services—Procurement, Publications Unit, P.O. Box 1015, North Highlands, CA 95660, phone 916-928-4630. All prices include sales tax and shipping, make checks payable to "Procurement Publications."

- *1998 Official Medical Fee Schedule* (\$38.15 per copy)
- *Permanent Disability Rating Schedule—pre-1997 edition* (\$11.40 per copy)
- *Permanent Disability Rating Schedule—1997 edition* (\$24.85 per copy)

Industrial Medical Council

- *For Injured Workers: Your Medical Evaluation—English, Spanish*
- *State of California Official Qualified Medical Evaluators List* (\$25 per copy)
- *Medically Speaking* QME newsletter
- *The Physician's Guide to Medical Practice in the California Workers' Compensation System*, 3rd ed (\$15 per copy)
- *Treating Physician's Alert*
- Guidelines adopted by Industrial Medical Council:

- *Methods for Disability Evaluation*—cardiac disability, pulmonary disability, immunologic disease, psychiatric disability, neuromusculoskeletal disability
- *Guidelines for Treatment*—low back problems, neck, shoulder, elbow, hand & wrist, knee, contact dermatitis, post traumatic stress disorder, occupational asthma

Self Insurance Plans

- *Private Sector Self Insurers* list (\$5 per copy, no fee online)
- *Public Sector Self Insurers* list (\$5 per copy, no fee online)
- *Third Party Claims Administrators* list (\$3 per copy, no fee online)

Commission on Health & Safety & Workers' Compensation

- CHSWC annual reports 1994-95 through 2000-01
- *CHSWC Report on the Workers' Compensation Audit Function* (1998)
- *Preliminary Evidence on the Implementation of "Baseball Arbitration" in Workers' Compensation* (1999)
- *"Carve-outs" in Workers' Compensation: An Analysis of Experience in the California Construction Industry* (1999)
- *Workers' Compensation Benefit Simulation Model—CHSWC distribution CD* (2001)
- *Impact of the 1993 Reforms on Payments of Temporary and Permanent Disability* (1999)
- *Estimating the Workers' Compensation Reform Impact on Employer Costs and Employee Benefits* (1999)
- *Workers' Compensation Anti-Fraud Activities: Report on CHSWC Public Fact-Finding Hearing* (1997)
- *Report on the Campaign Against Workers' Compensation Fraud* (2000)
- *Report on the Workers' Compensation Anti-Fraud Program* (2001)
- *CHSWC Recommendations to Identify Illegally Uninsured Employers and Bring Them Into Compliance* (1998)
- *Illegally Uninsured Employers Project: Report of Legislative Roundtable Meeting* (1999)
- *Navigating the California Workers' Compensation System: The Injured Worker's Experience* (1996)
- *Recommendations: Information for Injured Workers* (2000)
- *Project to Improve Laws and Regulations Governing Information for Workers* (2000)
- *Project to Augment, Evaluate, and Encourage Distribution of the Prototype Educational Materials for Workers* (December 2000)
- *Evaluating the Reforms of the Medical-Legal Process Using the WCIRB Permanent Disability Survey* (1997)
- *Compensating Permanent Workplace Injuries: A Study of the California System* (1998 RAND report)

- *Findings and Recommendations on California's Permanent Partial Disability System* (1997 RAND report)
- *Permanent Disability: Private Self Insured* (2001 RAND report)
- *Study of the Cost of Pharmaceuticals in Workers' Compensation* (2000)
- *Return-to-Work in California: Listening to Stakeholders' Voices* (2001)
- *Does Modified Work Facilitate Return to Work for Temporarily or Permanently Disabled Workers? Review of the Literature and Annotated Bibliography* (1997)
- *Report on the Quality of Treating Physician Reports and the Cost-Benefit of Presumption in Favor of the Treating Physician* (1999)
- *Vocational Rehabilitation Reform Evaluation* (2000)
- *Protecting and Educating California's Young Workers: Report and Recommendations of the California Study Group on Young Workers' Health and Safety* (1998)
- *Workers' Compensation and the California Economy* (December 2000)
- Fact sheets—English, Spanish (1998):
 - *What Every Worker Should Know*
 - *After You Get Hurt on the Job*
 - *Temporary Disability Benefits*
 - *Permanent Disability Benefits*
 - *Working After a Job Injury*
 - *Hurt on the Job? Information Alert for Teens*
 - *Are You a Working Teen?*
 - *Are You a Teen Working in Agriculture?*
- *Introduction to Workers' Compensation* video (1998)
- CHSWC brochure

Division of Labor Statistics & Research

- *Director's General Prevailing Wage Determinations*
- *General Prevailing Wage Apprentice Schedules*
- *Director's Coverage Determinations*
- *Index of Current Precedential Public Works Decisions* (alpha and date index)
- *California Consumer Price Index*
- *Occupational Injuries and Illnesses Survey: California 1991* (statistical tables for 1992, 1993, 1994, 1995, 1996, 1997, 1998)
- *Census of Fatal Occupational Injuries 1992 & 1993* (statistical tables for 1994, 1995, 1996, 1997, 1998)
- California industrial relations research reports:
 - *Living Wages: The Issues and the Impact*
 - *Minimum Wages: The Economic Impact of the 2001 California Minimum Wage Increase*

State Mediation & Conciliation Service

- *The California State Mediation and Conciliation Service*
- *Grievance Mediation: It Just Makes Sense*

DIR Office Locations

Department of Industrial Relations Office of the Director

455 Golden Gate Ave, 10th Floor
San Francisco, CA 94102 **415-703-5050**

770 "L" St, Suite 1160
Sacramento, CA 95814 **916-324-4163**

Division of Labor Standards Enforcement (DLSE)

**For labor law information and assistance
24 hours a day, 7 days a week, call:**
Sacramento **916-323-4920**
San Francisco **415-557-7878**
Los Angeles **213-620-6330**
Prevailing Wage Hotline . . . 415-703-4774
Garment Hotline . toll-free 1-800-803-6650

Headquarters
San Francisco 415-703-4810
455 Golden Gate Ave, 9th Floor • CA 94102

Bakersfield 661-395-2710
5555 California Ave, Suite 200 • CA 93309

El Centro 760-353-0607
1550 W. Main St • CA 92243

Eureka 707-445-6613
619 Second St, Room 109 • CA 95501

Fresno 559-248-8400
770 E. Shaw Ave, Suite 315 • CA 93710

Long Beach 562-590-5048
300 Oceangate, Room 302 • CA 90802

Los Angeles 213-897-5960
320 W. 4th St, Suite 450 • CA 90013

Oakland 510-622-3273
1515 Clay St, Suite 801 • CA 94612

Redding 530-225-2655
2115 Civic Center Dr, Room 17 • CA 96001

Sacramento 916-263-2841
2031 Howe Ave, Suite 100 • CA 95825

Salinas 831-443-3041
1870 N. Main St, Suite 150 • CA 93906

San Bernardino 909-383-4334
464 W. 4th St, Room 348 • CA 92401

San Diego 619-220-5451
7575 Metropolitan Dr, Suite 210 • CA 92108

San Francisco 415-703-5300
455 Golden Gate Ave, 8th Floor • CA 94102

San Jose 408-277-1266
100 Paseo de San Antonio, Room 120 • CA 95113

Santa Ana 714-558-4910
28 Civic Center Plaza, Room 625 • CA 92701

Santa Barbara 805-568-1222
411 E. Canon Perdido St, Room 3 • CA 93101

Santa Rosa 707-576-2362
50 "D" St, Suite 360 • CA 95404

Stockton 209-948-7771
31 E. Channel St, Room 317 • CA 95202

Van Nuys 818-901-5315
6150 Van Nuys Blvd, Room 206 • CA 91401

Industrial Welfare Commission (IWC)

770 "L" St, Suite 1160 **916-322-0167**
Sacramento, CA 95814 Fax: **916-324-1705**

Division of Occupational Safety & Health (DOSH)

Headquarters
San Francisco 415-703-5100
455 Golden Gate Ave, 10th Floor • CA 94102

Anaheim 714-939-0145
2100 E. Katella Ave, Suite 140 • CA 92806

Concord 925-602-6517
1465 Enea Circle, Bldg E, Suite 900 • CA 94520

Foster City 650-573-3812
1065 E. Hillsdale Blvd, Suite 110 • CA 94404

Fresno 559-445-5302
2550 Mariposa St, Room 4000 • CA 93721

Los Angeles 213-576-7451
320 W. 4th St, Room 850 • CA 90013

Modesto 209-576-6260
1209 Woodrow, Suite C-4 • CA 95350

Oakland 510-622-2916
1515 Clay St, Suite 1301 • CA 94612

Pico Rivera 562-949-7827
9459 E. Slauson Ave • CA 90660

Sacramento 916-263-2800
2424 Arden Way, Suite 165 • CA 95825

San Bernardino 909-383-4321
464 W. 4th St, Suite 332 • CA 92401

San Diego 619-767-2280
7575 Metropolitan Dr, Suite 207 • CA 92108

San Francisco 415-703-5210
455 Golden Gate Ave, Room 1524 • CA 94102

San Jose 408-452-7288
2010 N. First St, Suite 401 • CA 95131

Santa Rosa 707-576-2388
1221 Farmers Lane, Suite 300 • CA 95405

Torrance 310-516-3734
680 Knox St, Suite 100 • CA 90502

Van Nuys 818-901-5403
6150 Van Nuys Blvd, Suite 405 • CA 91401

Ventura 805-654-4581
1655 Mesa Verde Ave, Room 150 • CA 93003

West Covina 626-472-0046
1906 W. Garvey Ave South, Suite 200 •
CA 91790

Elevator, Ride & Tramway Unit
Headquarters 916-263-7995
2424 Arden Way, Suite 300 • Sacramento,
CA 95825

High Hazard Unit
Headquarters 714-935-3148
2100 E. Katella Ave, Suite 205 • Anaheim,
CA 92806

Mining & Tunneling Unit
Headquarters 530-895-6938
1367 E. Lassen Ave, Suite B-4 • Chico, CA 95973

Pressure Vessel Unit
Headquarters 510-622-3052
1515 Clay St, Suite 1302 • Oakland, CA 94612

Cal/OSHA Consultation Service

On-site Assistance
toll-free 1-800-963-9424

Headquarters—Sacramento. 916-263-5765
2424 Arden Way, Suite 485 • CA 95825

Fresno—Central Valley 559-454-0615
1901 N. Gateway Blvd, Suite 102 • Fresno,
CA 93727

Oakland—San Francisco
Bay Area 510-622-2891
1515 Clay St, Suite 1103 • Oakland, CA 94612

Sacramento—Northern
California 916-263-0704
2424 Arden Way, Suite 410 • Sacramento,
CA 95825

San Bernardino—
Inland Empire 909-383-4567
464 W. 4th St, Suite 339 • San Bernardino,
CA 92401

San Diego—Imperial Valley . 619-767-2060
7575 Metropolitan Dr, Suite 204 • San Diego,
CA 92108

San Fernando Valley–Santa Barbara & NW Los Angeles County 818-901-5754
6150 Van Nuys Blvd, Suite 307 • Van Nuys, CA 91401

Santa Fe Springs–Los Angeles Metro Area & Orange County 562-944-9366
10350 Heritage Park Dr, Suite 201 • Santa Fe Springs, CA 90670

Education Unit. 916-574-2528

Cal/Voluntary Protection Program 415-703-5272

Occupational Safety & Health Standards Board

2520 Venture Oaks Way **916-274-5721**
Suite 350 **Fax: 916-274-5743**
Sacramento, CA 95833

Occupational Safety & Health Appeals Board

Headquarters
2520 Venture Oaks Way **916-274-5751**
Suite 300 **Fax: 916-274-5785**
Sacramento, CA 95833

Southern California
100 N. Barranca St. **626-332-1145**
Suite 410 **Fax: 626-966-4490**
West Covina, CA 91791

Division of Apprenticeship Standards (DAS)

Headquarters
San Francisco. 415-703-4920
455 Golden Gate Ave, 8th Floor • CA 94102

Fresno 559-445-5431
2550 Mariposa St, Room 3080 • CA 93721

Los Angeles 213-576-7750
320 W. 4th St, Suite 830 • CA 90013

Oakland. 510-622-3259
1515 Clay St, Suite 602 • CA 94612

Sacramento 916-263-2877
2424 Arden Way, Suite 160 • CA 95825

San Diego 619-767-2045
7575 Metropolitan Dr, Suite 209 • CA 92108

San Jose. 408-277-1273
100 Paseo de San Antonio, Room 125 • CA 95113

Santa Ana 714-558-4126
28 Civic Center Plaza, Room 525 • CA 92701

Division of Workers' Compensation (DWC)

For recorded general information call toll-free 1-800-736-7401

Headquarters
San Francisco. 415-703-4600
455 Golden Gate Ave, 9th Floor • CA 94102

Anaheim: Information & Assistance Unit 714-738-4038
1661 N. Raymond Ave, Suite 202 • CA 92801

Bakersfield: Information & Assistance Unit 661-395-2514
1800 - 30th St, 1st Floor • CA 93301

Eureka: Information & Assistance Unit 707-441-5723
100 "H" St, Suite 202 • CA 95501

Fresno: Information & Assistance Unit 559-445-5355
2550 Mariposa St, Suite 4092 • CA 93721

Goleta: Information & Assistance Unit 805-968-4158
6755 Hollister Ave, Suite 100 • CA 93117

Grover Beach: Information & Assistance Unit 805-481-3380
1562 Grand Ave • CA 93433

Long Beach: Information & Assistance Unit 562-590-5240
300 Oceangate St, Suite 200 • CA 90802

Los Angeles: Information & Assistance Unit 213-576-7389
320 W. 4th St, 9th Floor • CA 90013

Oakland: Information & Assistance Unit 510-622-2861
1515 Clay St, 6th Floor • CA 94612

Oxnard: Information & Assistance Unit 805-485-3528
2220 E. Gonzales Rd, Suite 100 • CA 93030

Pomona: Information & Assistance Unit 909-623-8568
435 W. Mission Blvd, Suite 100 • CA 91766

Redding: Information & Assistance Unit 530-225-2047
2115 Civic Center Dr, Suite 15 • CA 96001

Riverside: Information & Assistance Unit 909-782-4347
3737 Main St, Suite 300 • CA 92501

Sacramento: Information & Assistance Unit 916-263-2741
2424 Arden Way, Suite 230 • CA 95825

Salinas: Information & Assistance Unit 831-443-3058
1880 N. Main St, 2nd Floor • CA 93906

San Bernardino: Information & Assistance Unit 909-383-4522
464 W. 4th St, Suite 239 • CA 92401

San Diego: Information & Assistance Unit 619-767-2082
7575 Metropolitan Dr, Suite 202 • CA 92108

San Francisco: Information & Assistance Unit 415-703-5020
455 Golden Gate Ave, 2nd Floor • CA 94102

San Jose: Information & Assistance Unit 408-277-1292
100 Paseo de San Antonio, Suite 240 • CA 95113

Santa Ana: Information & Assistance Unit 714-558-4597
28 Civic Center Plaza, Suite 451 • CA 92701

Santa Monica: Information & Assistance Unit 310-452-1188
2701 Ocean Park Blvd, Suite 220 • CA 90405

Santa Rosa: Information & Assistance Unit 707-576-2452
50 "D" St, Suite 420 • CA 95404

Stockton: Information & Assistance Unit 209-948-7980
31 E. Channel St, Room 344 • CA 95202

Van Nuys: Information & Assistance Unit 818-901-5374
6150 Van Nuys Blvd, Suite 110 • CA 91401

Walnut Creek: Information & Assistance Unit 925-977-8343
175 Lennon Lane, Suite 200 • CA 94598

Workers' Compensation Appeals Board (WCAB)

455 Golden Gate Ave. **415-703-4580**
9th Floor **Fax: 415-703-4549**
San Francisco, CA 94102

Industrial Medical Council (IMC)

395 Oyster Point Blvd. **650-737-2767**
Room 102 **or 1-800-794-6900**
South San Francisco, **Fax: 650-737-2711**
CA 94080

Self Insurance Plans (SIP)

2265 Watt Ave, Suite 1. **916-483-3392**
Sacramento, CA 95825 **Fax: 916-483-1535**

Commission on Health & Safety & Workers' Compensation (CHSWC)

455 Golden Gate Ave. **415-703-4220**
10th Floor **Fax: 415-703-4234**
San Francisco, CA 94102

Division of Labor Statistics & Research (DLSR)

455 Golden Gate Ave. **415-703-4780**
8th Floor • San Francisco, CA 94102

Prevailing Wage Hotline . . . 415-703-4774

State Mediation & Conciliation Service (SMCS)

Headquarters—San Francisco
455 Golden Gate Ave **415-703-4882**
8th Floor • CA 94102 **Fax: 415-703-4886**

Fresno 559-445-5311

Los Angeles 213-576-7759
320 W. 4th St, Room 420 **Fax: 213-576-7765**
CA 90013

DIR Program Management

May 1, 2002

Governor: Gray Davis

Department of Industrial Relations

Director

Stephen J. Smith

Assistant Director

Suzanne P. Marria

Chief Deputy Director

Chuck Cake

Deputy Directors

Janet Coffman, Communications

Patrick Henning Jr, Legislative Affairs

Andrea B. Kune, Management Relations

Division of Labor Standards Enforcement

State Labor Commissioner & Chief

Arthur S. Lujan

Deputy Chief

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Nance S. Steffen

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William E. Dombrowski

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Tim Cremins

Harold A. Rose

Executive Officer

Bridget Bane

California Occupational Safety and Health Program

State Designee

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Division of Occupational Safety and Health

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John Howard

Deputy Chief, Cal/OSHA Enforcement

Vicky Heza

Special Counsel, DOSH Regulatory Development

Len Welsh

Program Manager, Cal/OSHA Consultation Service

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Administrator of Apprenticeship

Stephen J. Smith

California Apprenticeship Council

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Yvonne de la Pena

Marvin Kropke

Brad Plueger

Bert Tolbert

Richard Zampa

Employer Representatives

Charles Burke

William Callahan

Carole Cresci Colbert

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Dennis McEuen

Dennis Pearl Jr.

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Ex Officio Members

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Gayle A. Walsh, D.C.

Benjamin Yang, C.A., O.M.D.

Executive Medical Director

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Self Insurance Plans

Manager

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Darrel "Shorty" Thacker

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Christine Baker

Division of Labor Statistics and Research

Chief

David C. Aroner

Deputy Chief

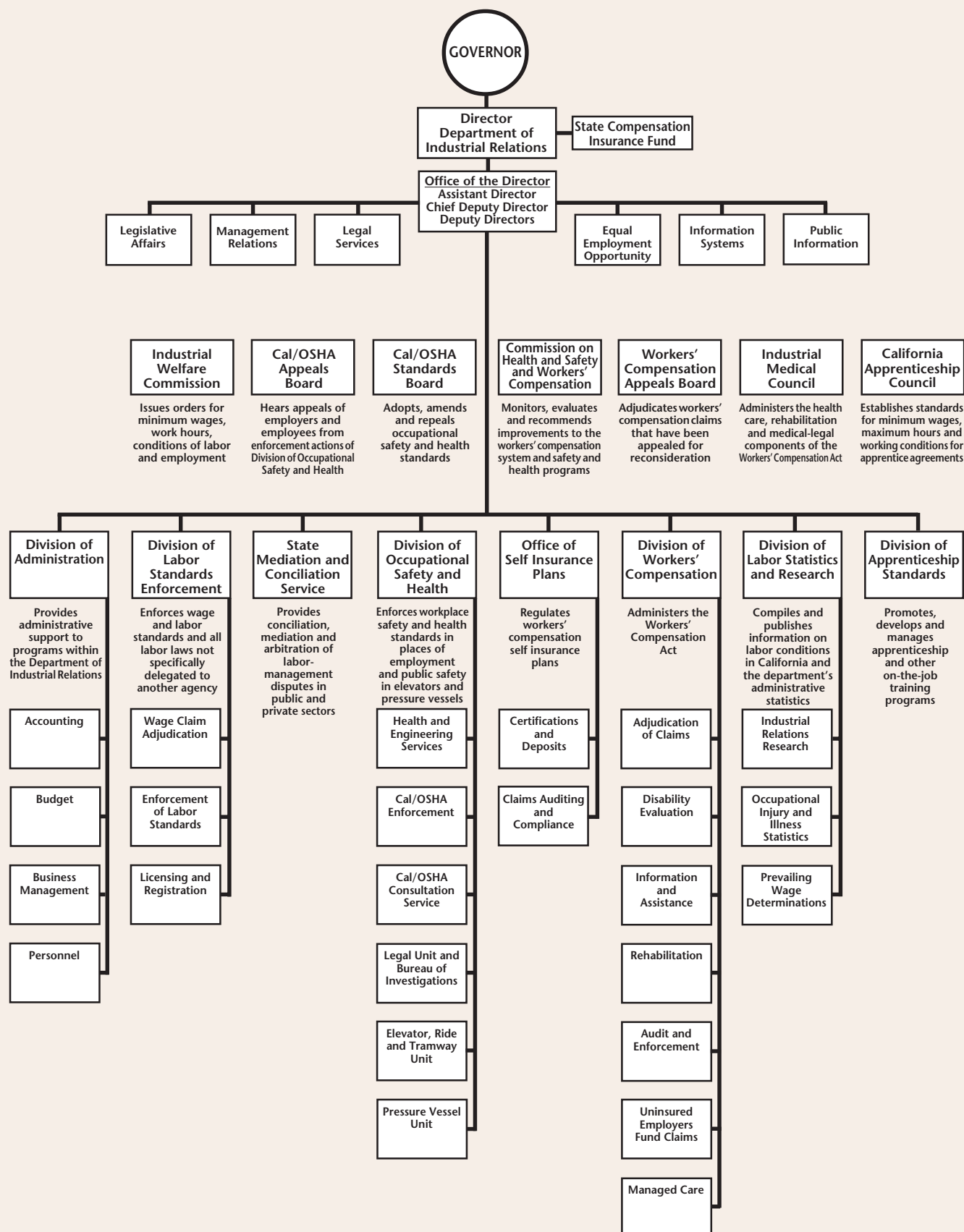
Maria Y. Robbins

State Mediation and Conciliation Service

Chief

Micki Callahan

DIR Program Functions





State of California
Gray Davis, Governor
Stephen J. Smith
Director of Industrial Relations



OSP 02 69225